

CITY AND COUNTY



OF SAN FRANCISCO



CATV TASK FORCE

Report to the

BOARD OF SUPERVISORS

DOCUMENTS

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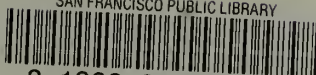
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SAN FRANCISCO CABLE TELEVISION TASK FORCE

CABLE AND THE COMMUNITY

A REPORT ON THE STATE AND POTENTIAL OF
TELECOMMUNICATIONS IN SAN FRANCISCO

Prepared by
Bonnie E. Engel
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Report to the Board of Supervisors

September 30, 1975

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PREFACE

On June 18, 1973, the Board of Supervisors passed Resolution No. 417-73, creating a CATV Task Force "composed of 16 members selected from various geographical, ethnic and racial groups, as well as educational and governmental agency programs of the City and County of San Francisco, and 1 non-voting member representing the active franchise holder, T.V. Signal Corporation, to explore, advise and recommend certain policies, procedures and practices regarding the programming of cable and pay television services within the boundaries of the City and County of San Francisco."

This resolution specifically charges the Task Force with the following responsibilities:

1. Review local cable television ordinances and recommend appropriate amendments;
2. Evaluate Federal Communications Commission and State requirements as they affect local service and operations;
3. Study and evaluate a franchisee's ability to provide effective and appropriate service;
4. Evaluate the financial return to the City from CATV and pay television and recommend appropriate changes;
5. Recommend appropriate standards for children's television;
6. Recommend studies, methods and procedures for provision and utilization of community access and public affairs programming;
7. Prepare for the Board of Supervisors an annual report and recommendations concerning the above.

CHECKLIST OF FINAL RECOMMENDATIONS

The San Francisco Cable Television Task Force transmits by means of this report its recommendations to the City on the regulation, operation, and development of cable television in San Francisco. The recommendations excerpted here will also be found in the body of this report, followed by a more complete analysis of the problems and issues which they address. The recommendations are numbered as they are in the report.

TO THE BOARD OF SUPERVISORS:

Basic Recommendations

1. Adopt a basic ordinance providing for the regulation, operation, and development of cable television in San Francisco.
2. Renegotiate the current cable television franchise to conform to the provisions of the adopted ordinance and the recommendations of the CATV Task Force.
3. Adopt a Master Plan for the development of telecommunications in San Francisco.

Public Uses of Cable

4. Specify in the new or amended franchise that the franchisee must make available three distinct channels, one each for public, educational and governmental access, to be opened and available for operation by March 31, 1977, for use under the current FCC Rule 76.251 and in accordance with its provisions whether or not the FCC modifies, rescinds, or extends the deadline for compliance with this rule.

Municipal Access Recommendations

5. Adopt a Policy of Municipal Cooperation with regard to the purchase, operation, and maintenance of video equipment by City agencies.

Municipal Access Recommendations (Cont.)

6. Authorize the establishment of a Municipal Video Consortium for ongoing municipal cooperation and make recommendations on a municipal access channel.
7. Undertake a one-year experiment utilizing the Municipal Access Channel with automated services for at least 8 hours a day.
8. Establish a Municipal Production Facility for studio work and post-production.
9. Use of the Municipal Production Facility should be made available to all segments of the community at reasonable rates until such time municipal usage precludes public access to this facility.
10. The franchisee and the City shall jointly prepare a plan by which the Civic Center can be wired within five years and would include a "headend" or origination modulator facility at City Hall and at the San Francisco Public Library, with two-way capacity.
11. One cable connection should be provided for each school, public library building, fire station, police station, hospital, and other public service buildings of the City so designated by the Board of Supervisors.
12. Any official or office responsible for the regulation and review of the cable franchise shall be strictly enjoined from scheduling the Municipal Access Channel and from production of programming to be shown over said franchised system(s).
13. Require the franchisee to provide free cable connections to at least six community viewing centers designated by the Board of Supervisors.

Public Access Recommendations

14. Authorize and fund the establishment of a Public Access Center for a five-year experimental period to facilitate the development of a viable Public Access Channel and to provide for the following: A viewing center for public showings of cable programming, a production facility, a van for on-location shooting, staff for production training, a library of community programming, and headend facilities.

Public Access Recommendations (continued)

15. Contribute one-third of the budget of the Center. The remaining two-thirds of the budget should be provided half by the franchisee and half by the public through memberships in the Center, grants, donations, fund-raising activities, and the like.
16. Provide that the Board of Directory of the Public Access Center shall have the sole responsibility for the equitable scheduling of access to equipment and cablecasting time, in accordance with adopted rules and bylaws. The Center should be specifically prohibited from exercising control over program content except where required by the FCC whose regulations prohibit advertising, lottery information, political campaigning, and obscenity.
17. Direct the Public Access Center to investigate the possibility of cooperation with other City agencies (e.g., Neighborhood Arts, Public Library, Department of Public Health) to fund jointly the creation of neighborhood viewing centers for cable television.
18. Instruct the Chief Administrative Officer of the City to dedicate, for a period of not less than two-years, sufficient monies from the Hotel Tax Fund to support a publicity and information campaign on behalf of public access cablecasting.

Educational Access Recommendations

19. The current franchisee shall continue to provide an Educational Access Channel.
20. The Board of Supervisors should designate an "educational authority" to administer and operate the Educational Access Channel and approve the rules of operation of the Channel.
21. Provide funds for research and development of the Educational Access Channel for use in the public schools and for continuing education in the homes of San Francisco citizens.

Educational Access Recommendations (Cont.)

22. The Board of Education should hire an educational television coordinator to facilitate the integration of cable television in the curriculum of the public school system.
23. Require that the franchisee provide a free cable connection to each school, and public non-profit institutions and agencies serving children.
24. Provide that the franchisee make production facilities available to members of the public (including educators) at the lowest possible cost.

Children's Television Recommendations

25. A representative group of San Francisco citizens appointed by the Board of Supervisors form a task force to work toward the development of a Children's Channel on cable television, providing quality programming for all San Francisco children; and that, in the interim, the educational access channel be utilized for children's programs on an experimental basis.
26. The Community College should offer a course on cable television.

Funding and Finance Recommendations

27. The Board of Supervisors shall take all possible actions, including a petition to the Federal Communications Commission, to maintain the current 5% franchise fee.
28. The City shall seek grants from foundations, city, state, and federal agencies for experiments in the use of telecommunications and cable technology.

Franchise Recommendations

29. Provide that the franchisee shall meet all standards and requirements of the Federal Communications Commission and shall comply with all City regulations regarding construction, placement of cable, and repair of damages caused by the company.
30. Clearly specify in the model ordinance that the franchise includes the entire residential area of San Francisco except military installations and that the current franchisee has the responsibility for constructing its system so that 85% of the households in the city can subscribe to cable television no later than December 31, 1980.
31. The franchisee should be responsible for showing just cause why any extension of this deadline may be necessary. The Board should approve any extension directly, after full public hearings, and should set forth the penalties for non-compliance in the model ordinance, up to and including termination of the franchise agreement.
32. Renegotiate the present franchise and provide for expiration of the new agreement by December 31, 1990, at which time a new agreement should be negotiated in light of the performance of the franchisee and technological changes in the industry.
33. Require the franchisee to incorporate, when the City determines that it is technologically practical, the capability for an emergency override audio alert whereby an audio message may be broadcast over all channels simultaneously in an emergency.
34. Require the franchisee to install, upon request from any subscriber, a switching device to permit the subscriber to utilize his own television antenna in lieu of the cable-connected community antenna.
35. Require that the franchise contain rules prohibiting CATV monitoring of any terminal (i.e., television receiver) connected to the system without

Franchise Recommendations (cont.)

specific written authorization of the subscriber or user of the terminal. Make the violation of subscriber privacy a felony.

36. Require the franchisee to respond to subscriber service complaints within thirty-six (36) hours of receiving the complaint, irrespective of week-ends and holidays; and further, to so operate its office that complaints and requests for repairs or adjustments may be received at any time, day or night.
37. Provide by ordinance that it shall be unlawful for any person, group, company, etc., to make any connection, extension, division whether physically, inductively, electronically or otherwise, with or to any segment of the franchise cable television system for any purpose whatsoever. Removal or destruction of equipment shall be a criminal offense. Simple disconnection shall be permitted.
38. The franchisee shall file an affirmative action program with the City in compliance with local, state and federal employment practice programs.
39. The franchise shall contain a section concerning the "state-of-the-art" of cable television, requiring the system to remain current with the technological developments of the industry.

Cable Regulatory Agency Recommendations

40. Establish a regulatory agency in City government to renegotiate the current franchise, review the operation and development of cable television in San Francisco, review all requests for modification of subscriber rates, handle subscriber complaints, and prepare a Master Plan for the development of telecommunications in San Francisco.
41. Request a waiver from the Federal Communications Commission for the right to regulate leased channels and include leased channel revenue in the fee base.

Cable Regulatory Agency Recommendations (Cont.)

42. Establish all procedures and rates for the leasing of cable channels, subject to the approval of the Board of Supervisors.
43. Review leased access channels on an annual basis at which time, if channel scarcity exists, other demands upon the leased access time should be considered; enforce the expansion requirements as established by the FCC.
44. Enforce the franchise with respect to the granting of leased channels on a first-come, first-served basis at non-discriminatory rates.
45. The City or the regulatory agency shall not have the right to regulate content.
46. Establish service zones consistent with Planning Department programs to create multi-service centers in the City. These zones shall not be used for purposes of franchise but for development of municipal uses and services to the community. The zones may be used to require closed circuit capacity for these areas. Cost of the additional technical capacity shall be borne by the company but attributable as a cost of operation.
47. Investigate point-to-point networking, especially for the wiring of the Civic Center area.
49. Investigate the potential of interconnection with other Bay Area cable systems.
50. Set technical standards for the reception of broadcast television signals received either off-the-air or by microwave.
51. Set technical standards for ensuring overall system performance.
52. Establish procedures for testing the performance standards and for systematic review every five years.

Cable Regulatory Agency Recommendations (cont.)

53. Develop a record-keeping log book that supports the technical standards and testing procedures.
54. Establish and enforce penalties for non-compliance with technical and service standards up to and including revocation of the franchise.
55. One person knowledgeable about cable television and other aspects of electronic communications be added immediately to the staff of the Chief Administrative Officer.

CABLE AND THE COMMUNITY

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I. INTRODUCTION

A. Basic Recommendations

B. Cable Television in San
Francisco

C. CATV Task Force

CABLE AND THE COMMUNITY

I. INTRODUCTION

A. Basic Recommendations

1. Adopt a basic ordinance providing for the regulation, operation, and development of cable television in San Francisco. (Section VI)
2. Renegotiate the current cable television franchise to conform to the provisions of the adopted ordinance and the recommendations of the CATV Task Force.
3. Adopt a Master Plan for the development of telecommunications in San Francisco.

B. Cable Television in San Francisco

Cable television is on the threshold of development in the urban areas of the United States. Decisions made in the next few months will determine what mixture of advantages and opportunities for the use of this new technology will prevail. We are concerned with the future of cable television for three principal reasons. First, cable television comes inside the home and directly affects the way people think, learn, and live. Second, cable television may change the political and social patterns of community life far beyond our expectations. Third, and most important, cable television development, more than other industrial and electronic technologies, demands decision-making by local communities. These decisions cannot

and should not be left to federal regulators or to large, national corporations. The City and County of San Francisco has an obligation to its citizens to procure the best and most efficient telecommunications services; to consider the issues with the future in mind; and to enact well-planned policy decisions designed to suit the use of that pervasive medium, television, to meet real community needs and conditions.

The development of cable television in San Francisco is at a crucial juncture. The City's sole franchisee, Television Signal Corporation, has grown from a family-run business with 2,000 subscribers in the 1950's to a system of over 38,000 subscribers, owned and operated by Viacom International--one of the ten largest multiple systems operators (MSO) in the nation. The company has wired over one-third of the residential area of San Francisco, passing over 120,000 households. The system's capacity of 27 channels makes it one of the most advanced in the country. In addition to retransmission of broadcast signals, the system offers a local origination channel, an educational access channel and some limited public access to its facilities. However, it is still basically a community antenna and the potential of cable to provide a

broader range of programming and services to the public has barely been tapped.

The long-range need to develop cable television as an alternative to established broadcast communications is important because it offers the unique opportunity to fill the gap between the one-to-one communication of the telephone, and the few-to-millions communication of broadcast television and radio. But the more immediate problems of the operation and management of an urban cable system must also be addressed. Complaints about the construction of the cable system and the quality of its service must be answered. New franchise rules established by the Federal Communications Commission must be complied with by March 31, 1977, and a new franchise agreement drawn up by the City. In addition, the Board of Supervisors has before it a request for a significant subscriber rate increase (from \$6.25 to \$9.00 a month or 44%) that requires immediate attention.

C. CATV Task Force

In response to these and other issues, the San Francisco Board of Supervisors created the CATV Task Force in June of 1973. Comprised of 16 members from the community (Please see Appendix I for a full

list of Task Force members and changes in that membership, plus the membership lists of the Task Force committees), the CATV Task Force held monthly public meetings. In addition, sub-committees were formed: Franchise, Policy, Public Access, Educational Access, Municipal Access, and Children's Television. These groups were responsible for investigating their particular areas and reporting recommendations back to the full Task Force for debate and vote. The body of the following document includes these committee reports and recommendations.

During the two years the Task Force studied the over-all situation of cable television in San Francisco, the group also responded to immediate issues as they came up before the Board of Supervisors. (A list of actions and resolutions concerning problems caused by the activation of Sutro Tower, the inactive Western Cable Television franchise, franchise application procedures, the Equitable Wiring Resolution, construction complaints, etc. are found in Appendix II.)

The Task Force benefitted greatly from the consultation service of Harold Horn of the Cable Television Information Center, Urban Institute, Washington, D.C., who continually updated the cable data distributed by the Center. Furthermore, Roberto

Esteves (Chairperson) and Ms. Bonnie Engel (staff) attended the annual meeting of the California Community Antenna Association in Anaheim, December, 1974, bringing the Task Force reports from cable operators all over the state as well as information on current FCC thinking in regard to cable television. The "blue-sky" hopes for cable television have been tinged with grey, due to the sobering effect of the current economic situation, causing the FCC to re-think its 1972 regulations.

Additional information about federal plans was brought to the Task Force by the Chief of the Cable Bureau of the FCC, David D. Kinley, who accepted an invitation to address the group on February 14, 1975. Representatives of the Task Force also took advantage of an opportunity to meet with FCC legal counsel, Stephan Effros, who was in San Francisco to speak on a panel at the recent Children's Television Fair. Task Force staff, Ms. Engel, also participated in the panel discussion concerning the development of cable television along with several others in the field.

The CATV Task Force would like to thank the distinguished visitors and the members of the public

who joined the subcommittees or who testified to the Task Force about cable issues, for their contributions to this report. In the following sections, Public Uses of Cable, the Franchise, Funding and Financing, a Cable Regulatory Agency, Policy, and a Model Ordinance are all considered. Specific recommendations are listed at the beginning of each section or committee report, and a fuller discussion follows.

II. PUBLIC USES OF CABLE

- A. Basic Recommendations
- B. Federal Communications Commission
Regulations: Access
- C. Municipal Access Committee
- D. Public Access Committee
- E. Educational Access Committee
- F. Children's Television Committee

II. PUBLIC USES OF CABLE TELEVISION

A. Basic Recommendations

4. Specify in the new or amended franchise that the franchisee must make available three discrete channels, one each for public, educational, and governmental access, to be opened and available for operation by March 31, 1977, for use under the current FCC Rule 76.251 and in accordance with its provision whether or not the FCC modifies, rescinds, or extends the deadline for compliance with this rule.

B. Federal Communications Commission Regulations: Access

On March 31, 1972, a new set of FCC rules went into effect that changed the future course of cable development. The Third Report and Order (Federal Register, February 12, 1972), the Reconsideration (Federal Register, July 14, 1972), and Clarification And Proposed Rulemaking (Federal Register, April 22, 1974) established standards of cable service and operations in the larger television markets. This comprehensive regulatory scheme addressed four aspects of cable regulation: (1) television broadcast signal carriage; (2) access to and use of non-broadcast cable channels; (3) technical standards; and (4) the appropriate division of regulatory jurisdiction between the federal government and the state and municipal governments. Cable television systems already

in operation before March 31, 1972 were given five years to comply. Federal regulation of cable television is still developing and a certain number of the rules promulgated in the above reports may be modified, rescinded, or extended. However, this Task Force report reflects the status quo as of June, 1975, in its recommendations for a new or revised cable franchise and ordinance. Briefly, the FCC requires that all major cable systems must provide the following services:

- Minimum channel capacity--20 channels
 - Equivalent amount of bandwidth--for each Class I channel, another suitable for transmission of Class II or III signals
 - Two-way communication--technical capability only
 - Public Access Channel--a free, non-commercial channel available on a first-come, first-served, non-discriminatory basis, with production equipment available (five free minutes)
 - Educational Access Channel--five years free use
 - Local Government Access Channel--five years
 - Leased Access Channels--at least one leased channel available for part-time users
- (The Local Origination requirement was eliminated in the Rules and Regulations [Federal Register, December 12, 1974] and replaced by a requirement to make production equipment available at a reasonable rate.)

The first three requirements listed above have already been met by the current operator. Therefore, the following discussion will center on the access channels and other public services and uses made possible by cable television.

Essentially, what the FCC rules have done is give the public, local educational authorities and local governments access to the most pervasive medium of communication: television. As the Joint Committee on Telecommunication of the California State Legislature points out in its report, Telecommunications and the Public Interest (December, 1974), cable television vastly increases the number of channels a subscriber can receive. This "television of abundance" offers a number of benefits: a viewer's range of choices will be dramatically increased; programs can be devoted to particular audiences and tastes; and control of the medium will be more decentralized, serving more and greater areas of the public interest. Broadcast television will most likely continue to represent the current concentration of power in the three major networks; cable television may tend to democratize program selection by making it possible for a large number of interest groups to present their points of view to localized audiences and reflect more accurately our pluralistic society.

In addition to expanded channel capacity, cable technology affords the use of the new low-cost video equipment in program production. Although sub-standard video is not broadcast quality, it is suitable for

cablecasting, and its low cost and relative ease of operation make local and amateur productions feasible on a large scale.

As was mentioned in the Introduction, the FCC is currently reconsidering its 1972 rules affecting channel capacity and the rebuild requirements in light of the present economic situation. However, the San Francisco system has a 27-channel capacity and does not need to rebuild in order to accommodate three access channels. Therefore, the Task Force has recommended that the current operator open three discrete access channels even if the FCC changes the rules to allow for combined access in 1977 or extends the deadline for compliance with the rules. In this way, the public interest is served and the development of the access channels may proceed simultaneously and in an orderly fashion. The following reports from the Task Force Access Committees spell out in more detail the need and the potential for these channels.

C. Municipal Access Committee Recommendations

5. Adopt a Policy of Municipal Cooperations with regard to the purchase, operation, and maintenance of video equipment by City agencies.
6. Authorize the establishment of a Municipal Video Consortium for ongoing municipal cooperation and make recommendations on a municipal access channel.
7. Undertake a one-year experiment utilizing the Municipal Access Channel with automated services for at least 8 hours a day.

8. Establish a Municipal Production Facility for studio work and post-production.
9. Use of the Municipal Production Facility should be made available to all segments of the community at reasonable rates until such time municipal use precludes public access to the facility.
10. The franchisee and the City shall jointly prepare a plan by which the Civic Center can be wired within five years and would include a "headend" or origination modulator facility at City Hall and at the San Francisco Public Library with two-way capacity.
11. One cable connection should be provided for each school, public library building, fire station, police station, hospital, and other public service buildings of the City so designated by the Board of Supervisors.
12. Any official or office responsible for the regulation and review of the cable franchise shall be strictly enjoined from scheduling the Municipal Access Channel or production of programming to be shown over said franchised system(s).
13. Require the franchisee to provide a free cable connection to at least six community viewing centers designated by the Board of Supervisors.

The Municipal Access Committee has made a serious effort to determine the video and cable needs of the municipal agencies. The Committee conducted surveys of existing facilities and potential uses of the new medium of cable television. The report encompasses three areas: the present use of video in the City and the Policy of Municipal Video Cooperation; additional facilities required such as the post-production

equipment and studio; and third, use of the Municipal Access Channel now and in the future.

(1) Present Uses of Video by City Agencies

The Municipal Access Committee conducted a survey of City Agencies to ascertain which of the departments owned video equipment and the use to which it was put. In addition, a survey of potential uses of a cable channel was taken, the results of which are listed in detail in Appendix III.

The use of video (small format television equipment, compatible with cable television systems) was reported by sixteen City Agencies. Most departments use it for in-service training and staff development. Exceptions are the use of video by the Police Department, City College, and the Public Library, all of which have paid staff to supervise production. The Police Department has fifteen video systems at precinct houses which are used for role-call training each day. Software (programming) is used primarily to update legal information and new software is received from the State Attorney General's office every two weeks. City College distributes between 1,000 and 1,200 hours of programming per semester, seen only on the five-channel RF distribution network on campus.

The San Francisco Public Library has the most extensive video program outside City College. The Library itself has a group playback facility that shows monthly community programs. The Bay Area Reference Center (BARC) Department supplies video workshops for in-service training to libraries throughout Northern California. The California Video Resource Project (CVRP) collects videotapes from commercial and local producers, acts as a technical consultant to public libraries throughout the state, makes its post-production equipment and technical advice available to City departments, and has begun a production schedule for municipal services. Two tapes currently in production are : "Earthquake," what to do when an earthquake hits and immediately afterwards, and "Emergency," how public service employees can identify heart attacks and provide emergency first aid. Both of these productions are being made with interdepartmental cooperation.

The departments already using video have recognized the value of this medium and its potential for in-service training as well as providing a source of information to the public. To itemize some of the advantages of video:

- a. It is easier to teach skills through moving images rather than print.
- b. Retention of information is greater using visual media, especially for those for whom English is not a native language.

- c. Video is inexpensive in relation to film production and broadcast television.
- d. Video has the advantage of immediate playback without processing, for in-service training, reporting incidents, and transferring information soon after it occurs.
- e. It is a natural means of tailoring information to a specific locale or situation since it can be changed easily through editing.
- f. It combines the advantages of a mass medium with an individualized medium. Over a closed-circuit or cable system a videotape can be used effectively for individualized viewing, office or department viewing, or viewing by workers throughout the City.
- g. It is excellent for training and self-evaluation.
- h. Relative ease of operation makes it practical for lay use.

However, the haphazard development of the use of video in the City Agencies has created some problems. The major difficulties encountered are identified below:

- a. No purchasing standardization has been made so not all City equipment is compatible with that owned by other City departments.
- b. Frequently, no one in the department has the necessary technical expertise to use the equipment at maximum efficiency. In all cases, departmental use is limited by the extent of the staff's knowledge of video.
- c. In some instances, intended uses have not proved practical and no subsequent plans were made for the use of the equipment.
- d. There is no central source of additional, supplementary equipment with which to make finished, edited programs. Even if this equipment were available, limited staff knowledge would hamper its effective use.

- e. The state of the art and new technology move so quickly.

In order to insure compatibility and logical development of video resources in the departmental use of video technology, the Municipal Access Committee adopts the following POLICY OF MUNICIPAL COOPERATION:

- (1) Each department shall maintain a complete list of video equipment owned by the department. This list shall be updated annually and forwarded to a central information file, for compilation and distribution to all departments.
- (2) Special, sophisticated television production equipment, such as special effects generators, time-base correctors, and processing amplifiers, should be made available to all City departments, if such use does not interfere with the operation of the department owning the equipment.
- (3) A consortium of individuals from each department should be established for on-going cooperation and resolution of problems of municipal production.
- (4) Videotapes of public interest including public education should be made available for deposit in a central video archive which has provision for public viewing of these video documents.

(2) Municipal Post-Production Facility

One of the most persistent problems plaguing video producers is the lack of editing and post-production equipment. Various agencies have the ability to produce tapes of general interest for the public as potential programming on a municipal access channel but currently have no means available to them to edit the tapes. The

Committee therefore recommends that a Municipal Post-Production Facility be established, with appropriate equipment, technical personnel, and budget, for use by all City Agencies requesting it, on a first-come, first-served basis. In addition, use of the facility should be made available to all segments of the community at reasonable rates until such time that municipal use precludes public access to this facility. Further, the Board of Supervisors should consider the municipal funding of a cable/video production coordinator and clerical support, such position and office to be housed in the San Francisco Public Library. This office should seek outside funding for municipal video and cable activities, aid in departmental video operations, and act as a consultant in specific equipment requirements. The cost of such an operation is treated in detail in the Funding and Finance Section of this Report.

(3) Municipal Access Cable Channel

In 1977, a Municipal Access Channel will be made available to the City and County of San Francisco for a five-year experimental period, to be established at the discretion of the Board of Supervisors. Planning for the development and use of this channel needs to begin now. If City departments continue to produce, acquire and expand their video programming capability,

the potential for an effective municipal channel will increase. Presently, several cities have accepted the FCC option of a free cable channel by funding full municipal production facilities. Among the most extensive are those of Tulsa, Oklahoma (studio in Main Library); Madison, Wisconsin (Office of Development); Boulder, Colorado; San Jose, California (Public Library); and the West Virginia Legislature (State Library). In most cases, video programming is integrated into a channel carrying an automated message wheel.

The Committee has recommended that the City exercise its option for a municipal channel on a renewable one-year experiment with automated services. Most municipal channels begin with some kind of automated services to provide inexpensive, meaningful municipal information. Operating like a message wheel, an automated channel is an economical means of displaying print information over cable and can provide meeting announcements, job openings, schedules and timetables, committee agendas, public service announcements and much needed municipal information services to all cable subscribers. Video programming, as it develops, can easily be integrated into the channel at specified times, increasing as more and more programming becomes available. (For a more complete list of cable uses by City

agencies, please refer to Appendix III.)

When the City opens the automated channel with a message board and some video programming from City agencies, supervision and scheduling of the channel shall be the responsibility of the agency or agencies so delegated these responsibilities by the Board of Supervisors. The cable operator shall have no control over the content or operating schedule of such designated channel. To avoid conflicts of political interference, attention and care must be made to separate the regulation of the cable franchise from the programming of a channel by the City. Therefore, any agency or office responsible for the regulation and review of the cable franchise(s) shall be strictly enjoined from scheduling or production of programming to be shown over said franchised system(s).

Other cable needs in relation to the Municipal Access Channel include free drops or cable connections that should be specified for all schools, public library buildings, fire and police stations, hospitals, and other public service buildings of the City so designated by the Board of Supervisors. As a corollary, the Civic Center is not presently wired and the present franchisee has no plans for the wiring of this area. For the most flexible use of the municipal channel, plans must be

prepared with the franchisee to wire the Civic Center within the next five years, including headend capacity at City Hall for live programming and a modulator at the public library for playback of municipal information tapes produced by City departments and officials.

In addition to the Policy of Municipal Cooperation with regard to video equipment, there is a need for a policy regarding the operation of the access channel. The Municipal Access Committee has prepared the following POLICY OF SAN FRANCISCO MUNICIPAL ACCESS CHANNEL:

- a. The fairness doctrine shall apply; equal time.
- b. All municipal agencies, departments and officials shall be entitled access to any designated municipal access channel, on a first-come, first-served, non-discriminatory basis, if such program deals with official City business. Declared candidates for office shall not be allowed access.
- c. All programming should reflect the official policy of the sponsoring department or agency. Final approval of program content will lie with the department head or governing body of each agency.
- d. Section 76.251 of the FCC rules shall apply.
- e. No campaigning for office shall be permitted on the Municipal Access Channel.
- f. State and Federal programming shall be allowed; costs for such programming to be determined and revenues generated supplied to the San Francisco General Fund.
- g. No commercial advertising shall be allowed.

- h. Citizens shall be allowed free access to the local government channel to present messages significant to local government operation; granted, however, that these statements may not be libelous, slanderous, or obscene.

In order to insure that non-subscribers to cable television will have access to cable programming, the Committee has further recommended that six "community viewing centers" be established throughout the City. The franchisee shall provide free cable connections at such designated locations, such as branch libraries or neighborhood arts centers, and the City shall provide the television sets for community viewing purposes.

The establishment of a Municipal Consortium to implement the Policy of Video Cooperation, the building of a post-production facility, the opening of the governmental access channel on an experimental basis with automated services and the creation of "community viewing centers" are all considerations for the immediate future. Further along in the development of San Francisco's cable system are sophisticated items such as a scrambled channel, two-way transmission, and computer services.

Scrambled Channel: Most City departments have expressed a wish to use cable communications for inter-office communication and staff training use. In instances of police training, fire first-aid training, and departmental meetings via cable, preference was given to having channels with the capacity for "scrambling"

or distorting the signal except in specially designed locations. Any municipal channel should have this capacity, or, if not feasible, a separate scrambled channel. Headend and terminal cost will be determined later.

Two-way Cable: The FCC rules have mandated that all cable systems install cable capable of transmitting a signal (not necessarily video or audio) back "upstream" as well as carry signals "downstream" to the subscribers' homes. The attendant equipment for returning a signal to the cable system is not yet a practical reality; however, the possibility offers tantalizing opportunities for local governments in addition to pay television operators. Two-way transmission would be extremely valuable for intra-agency communication within the Civic Center and should be considered when the area is wired.

Computer Data: As more and more computer stored information becomes essential for City operation, careful thought should be given to the eventual use of cable communication for data transmission to the various City offices. Experimentation with two-way cable and computer information is currently underway in Stockton, California, with the help of a federal grant. The Municipal Access Committee urges the Board of Supervisors

to watch these developments and to consider the possibility of applying for grants to experiment in San Francisco.

Finally, the Municipal Access Committee is aware of the need to separate the regulation and programming of cable television by the City. For this reason, we join with the other Access Committees of the Task Force and support the concept of a separate regulatory body within San Francisco's government to deal with the complex regulatory matters dealing with cable communications. We recommend an Office of Broadband Communications be established to guarantee optimum regulatory efficiency and fair administration of the cable franchise(s) in the City.

D. Public Access Committee Recommendations

14. Authorize and fund the establishment of a Public Access Center for a five-year experimental period to facilitate the development of a viable Public Access Channel and to provide for the following: A viewing center for public showings of cable programming, a production facility, a van for on-location shooting, staff for production training, a library of community programming, and headend facilities.
15. Contribute one-third of the budget of the Center. The remaining two-thirds of the budget should be provided half by the franchisee and half by the public through memberships in the Center, grants, donations, fund-raising activities, and the like.

16. Provide that the Board of Directors of the Public Access Center shall have the sole responsibility for the equitable scheduling of access to equipment and cablecasting time, in accordance with adopted rules and bylaws. The center should be specifically prohibited from exercising control over program content except where required by the FCC whose regulations prohibit advertising, lottery information, political campaigning, and obscenity.
17. Direct the Public Access Center to investigate the possibility of cooperation with other City agencies (e.g., Neighborhood Arts, Public Library, Department of Public Health) to fund jointly the creation of neighborhood viewing centers for cable television.
18. Instruct the Chief Administrative Officer of the City to dedicate, for a period of not less than two years, sufficient monies from the Hotel Tax Fund to support a publicity and information campaign on behalf of public access cablecasting.

The Public Access Committee has investigated access models around the country and studied the potential use of such a channel in San Francisco. The following report discusses three aspects of public access to cable television: programming and use, the establishment of a public access facility providing access to the means of video production, and third, the support and development of public access through public education and information regarding access.

(1) Programming and Use of Public Access

The FCC cable regulatory rules mandate the opening of a public access channel in San Francisco by March 31, 1977, to be available free of charge on a first-come, first-served, non-discriminatory basis.

The Public Access Committee supports this federal effort to provide access to cable television and recommends that such a channel be established in San Francisco no later than March 31, 1977.

The concept of public access to television is an unique opportunity for individuals and groups to address their friends and neighbors, air their opinions, inform the community of organizations and services, and create programming aimed at special interest groups, ethnic communities, senior citizens, and the like. Cable offers an intermediate range of telecommunications, between the telephone and broadcast television, that may truly serve local communities. With the advent of inexpensive, easy-to-operate portable video equipment, the mechanism of public participation in the production and cable-casting of community interest programs is now both technologically and economically feasible. Such a community resource provides a base for an inter-neighborhood communication system and, at the same time, serves to de-mystify the process of the television medium.

Public Access experiments around the country have produced mixed results. Many of the problems stemmed from lack of adequate funding and support, and from

lack of public knowledge about the existence of the access channel and production facilities. Further consideration of these problems is given later in this report.

The successes of access experiments, such as the Alternate Media Center's Video Access Centers in Reading, Pennsylvania, New York City, Orlando, Florida, etc., have produced an incredible variety of imaginative and innovative programming. Closer to home, the interest and excitement generated by access facilities at LVO Cable in Hayward and Gill Cable in San Jose attest to the potential of community information services. An independent producer recently won an Emmy for a cable program, "Our Pets are Dying," produced and cablecast at LVO Cable in Hayward.

Examples of programming which are typically developed for Public Access include:

Cultural Events and Bi-lingual Programs

Live or pre-recorded cablecasting of neighborhood cultural events offer the potential for greater cultural identification and cross-cultural exposure. Bi-lingual programs provide greater access to community information.

Special Interest Programs

Programs for the general community may provide information on such topics as health, nutrition, safety, conservation, local regulations, voter information,

senior citizen services, birth control, etc. Also, local artists and craftspeople can share their talents and skills with their friends and neighbors.

Organizational Information

Community agencies and groups, such as the League of Women Voters, the Red Cross, the PTA, the Boy Scouts, the Bar Association and the like would have an opportunity to discuss their services and facilities.

Free Speech Messages

Individuals will have access to channel time to present their opinions and concerns as a part of the resource of public access. More than an electronic soapbox, the Public Access Channel provides a remedy for social alienation by giving outlet to diverse opinions.

The Public Access Channel in principle will be available for non-commercial, non-governmental programs on a free, first-come basis. If priority is to be given to any programming, it will be to locally produced material by individuals and organizations which are without access to the mass media. The channel will be a common carrier in nature with the responsibility for program content resting with the contributors of that material.

The Public Access Committee sees enormous potential for such locally produced, community-oriented programs to serve the multi-ethnic and multi-racial San Francisco community. In the course of its study, the Committee also found the City already possesses an impressive resource in the many independent video

producers working in the area. (Please see Appendix IV for a list of individuals and groups working with small format video equipment.) These talented people form the nucleus of an access organization, both in terms of program production and in training the public to utilize the equipment effectively.

(2) The Public Access Center

Free time to cablecast on the Public Access Channel does not guarantee access to the means of production. At present, the FCC's public access rules stipulate that the operator must make available free of charge the use of one camera for five minutes. Beyond that time, a reasonable rate may be charged for the production facility. Five minutes is long enough for most free speech messages but hardly enough time to produce meaningful programs on community issues, concerns, and organizations. Therefore, the community should have access to equipment and technological assistance to produce programming. Without these resources being available to the community, Public Access will again be restricted to the more privileged who can afford to rent or buy such equipment. Groups should have the ability to produce their own programs to insure the

integrity of programs, representing their own perspective and editing style.

To facilitate the development of a viable Public Access Channel, the Committee recommends the establishment of a Public Access Center which would provide the following services:

- a. a viewing center for public showings of cable programming
- b. a production facility which would include studio, portable video equipment that could be borrowed after appropriate training, graphic resources, editing equipment, tape supply, etc.
- c. a van for transporting equipment for on-location shooting
- d. staff for production training
- e. a library of community programming
- f. coordination of the access channel
- g. headend facilities

This video production facility should be a non-profit corporation with the Board of Directors reflecting the diverse make-up of San Francisco's population. Representative of various cabled neighborhoods, the Board would perform the following functions:

- a. Provide equitable scheduling of access to equipment and cablecasting time, in accordance with adopted rules and by-laws.
- b. Administer the video production facility.
- c. Shall exercise no control over program content except where required by the FCC regulations prohibiting advertising, lottery information, political campaigning, and obscenity.
- d. Act as a public relations and fundraising agency for the channel and the production facility.

The Committee also recommends that the Board of Directors cooperate with other city agencies such as the

Neighborhood Arts Program, the Public Library and the Department of Public Health to establish community viewing centers so that all San Francisco citizens have access to cable programming.

The Committee recommends that this Public Access Center be authorized and partially funded by the Board of Supervisors for a five-year experimental period. Public access is the poor relative of the access channels. Educators and governmental agencies have funds and resources available to them to spend on cable programming if they so desire. The public does not. Lack of reliable support seems to have caused other access experiments the most difficulty. Therefore, the Committee urges the Board to support one-third of the budget of the Public Access Center. The other two-thirds will be shared by the cable operator and the public through memberships, grants, donations, and the like.

A more detailed analysis of the Public Access Center budget follows in the section on Funding and Finance. Briefly, the annual cost would be about \$45,000. The City support could come in the form of space, salaries for staff, and supplies. The cable operator would contribute through the purchase and

maintenance of the video production equipment and tape supply. This equipment would remain the property of the cable operator although its use for the five-year experimental period would be directed by the corporation. The remaining third of the operating expense, public education and promotion of the program schedule, would come from membership in the corporation for \$1.00 a year, foundation grants, donations, fund-raising activities, etc.

In addition to lending equipment to the Access Center for use by the public, the cable operator also should have playback capability for both 1/2" and 3/4" tapes and a time base corrector to insure the quality of the signal as it is cablecast on the public access channel.

(3) Building an Audience: Hotel Tax

Two major problems facing meaningful development of the public access resource are lack of public knowledge about the existence and opportunity offered by such a channel, and lack of an audience. Cable television is a relatively new industry and most people who know about it think of cable as simple retransmission of broadcast signals. Even fewer citizens are aware of the low-cost video production equipment

on the market that makes cable programming on the community level feasible. Therefore, more public information about the implications of public access needs to be available.

In addition, an amateur, 1/2", black and white television program can hardly compete with the sophisticated color productions of broadcast television. Building an audience for public access programming will take re-orientation of the public's expectations of television. For this reason the Committee has recommended that the access experiment be undertaken for at least five years so that the public will have time to accustom itself to having and to watching access programming, and time to develop access into a real community information resource.

However, the Public Access Center will need additional help educating the public and building an audience. Therefore, the Public Access Committee recommends that the Board of Supervisors instruct the Chief Administrative Officer to dedicate, for a period of not less than two years, sufficient monies from the Hotel Tax Fund to support a publicity and information campaign on behalf of public access cablecasting. We recommend a minimum expenditure of \$22,000 for a two-year period.

In March of 1975, the current cable system operator began its "Community Action Television" program, providing one hour a week free playback of finished tapes to the public. Under the direction of the Community Relations Director, Kim Hetherington, this program has attracted a wide variety of tapes from video producers. (Please see Appendix V for a complete listing of programs cablecast to date.) Although the Committee commends the company for undertaking this experiment well in advance of the FCC deadline for access, we feel it is only the first step in access development in San Francisco. Control of program content should not be left to the cable company when the channel is established.

A model for the organization of the corporation to administer public access is also found in Appendix V.

E. Educational Access Committee Recommendations

19. The current franchisee shall continue to provide an Educational Access Channel.
20. The Board of Supervisors should designate an "educational authority" to administer and operate the Educational Access Channel and approve the rules of operation of the Channel.
21. Provide funds for research and development of the educational access channel for use in the public schools and for continuing education in the homes of San Francisco citizens.
22. The Board of Education should hire an educational television coordinator to facilitate the integration of cable television in the curriculum of the public school system.
23. Require that the franchisee provide a free cable connection to each school, and public, non-profit institutions and agencies serving children.
24. Provide that the franchisee make production facilities available to members of the public (including educators) at the lowest possible cost.

The Educational Access Committee of the CATV Task Force held a series of meetings at various educational institutions in the City to ascertain the need for and use of the Educational Access Channel in San Francisco. After discussion and negotiation, the Committee's efforts produced an agreement with the current cable operator to open an Educational Access Channel (Channel 8) well in advance of the FCC deadline for educational access. On March 14, 1974, the Task Force approved a recommendation to support the creation of a non-profit

corporation to administer the channel, with the members of the former Educational Access Committee forming the nucleus of the corporation's Board of Directors. A second Task Force Committee was recently formed to assess and evaluate the current situation. The following report encompasses the history, experience and problems of the Educational Access Cable Television Corporation; second, the potential of educational cable television; and third, programming.

(1) Educational Access Cable Television Corporation

The activities and efforts of the Educational Access Committee, led by Ms. Naomi T. Gray, resulted in an agreement with the current cable operator to open an educational access channel (8). One of the members of the committee, Mr. Fred Simmons, suggested Far West Laboratories for Educational Research and Development where he works, as an appropriate site for the channel modulator. In June, 1974, the headend for Channel 8 was installed at Far West Labs. This decision was made for a number of reasons:

- a. establishing a headend outside the cable company facilitated opening the channel earlier than was required.
- b. Far West Labs has two excellent video production studios and auxiliary equipment available at a very low cost.
- c. Far West seemed to be a suitable neutral ground between traditional institutions and community organizations, both of which are represented on the Board of Directors of the corporation.

The CATV Task Force supported the creation of a non-profit corporation to assume full responsibility for the Educational Access Channel, with authority to develop, plan, and administer the programming, establish policies and procedures for use of the channel, conduct studies and surveys, and to secure funding to support the work of the corporation. (Please see Appendix VI for a list of the Board of Directors, the Articles of Incorporation, Proposed Operating Rules submitted to the FCC by the current cable operator, and the Corporation's form for requesting air time.)

The Corporation's Board of Directors is representative of both community groups and educational institutions serving the people of San Francisco. According to the cable operator, this combined effort represents an innovative departure from the implementation of educational access by the institutionalized educational authorities as has been the case in most communities where educational access has been provided. The goal of this approach is to create an educational tool which satisfied broader community needs than are presently met by classroom instruction or public broadcasting. An Educational Access Channel Corporation comprised of both community groups and educational institutions

would provide the balance necessary to insure the equitable development of this new educational medium for the benefit of the entire community.

The FCC rules regarding educational access are vague at this point. They merely state that the educational access channel should be administered by the "educational authority," but do not specify who shall designate such an authority nor what or who constitutes one. Therefore, the new Corporation determined to expand the potential services and uses of the channel from a classroom aid in public schools and colleges to include scheduling programs that were educational in nature produced by community groups.

To date, the San Francisco Unified School District has indicated little or no interest in utilizing the channel for instructional programming in the school system. Representatives from the City's colleges and universities seem to be taking a "wait and see" attitude as well. Part of the problem lies in the fact that few schools and colleges are wired for cable and no preliminary preparation for coordination with the schools' needs was made prior to the establishment of the channel. Another problem may be that these institutions are unwilling to work with a Board

composed of both community and educational representatives, perhaps on the belief that they will ultimately control the Educational Access Channel.

To meet some of these problems, the Committee has recommended that the Board of Supervisors designate an "educational authority." In addition, the Board should provide funds for research and development of the Educational Access Channel for use in the public schools and for continuing education in the homes of San Francisco citizens. Further, the Board of Education should hire an educational television coordinator to facilitate the integration of cable television into the public school system's curriculum. In order to encourage school use of the channel, the franchisee should provide free cable connections to all public school buildings.

Although Channel 8 has been in operation or "lit" for a year, it has transmitted only 36 hours of programming, consisting in a local news show and a children's story hour produced in cooperation with the San Francisco Public Library's Children's Services, in January and February, 1975. The major obstacle to presenting regular programming on the channel is one of money. Far West Labs has provided space for

the headend facility and also has the equipment and personnel needed for playback of tapes. However, Far West Labs charges the Corporation approximately \$30 for every hour of programming transmitted on Channel 8, to cover the use of the equipment and the assistance of a technician. There is also a charge for the use of the production and studio facilities. Since the Corporation has to date been unsuccessful in securing funds for operation, they have had to depend upon users to pay for these costs; few users have been willing to do so. Some feel that playback on the Educational Channel should be free no matter where it is located; others cite the lack of an audience and a regular program schedule as drawbacks to the present system.

Without a paid, full-time staff, the Corporation can make little organized systematic effort to seek grants despite the dedicated efforts of several volunteers helping with the project. Without operating funds, even the \$30 playback charge is beyond the means of the Corporation at present.

The following is a summary of personal conclusions in a report to the Task Force from Michael Sales, a Director of the Corporation who has been an active participant in the formation of the channel:

The San Francisco Educational Cable Television Access Corporation is neither a success nor a failure. A great deal of work has been done but a great deal more remains unfinished.

Why hasn't Channel 8 worked yet? Here are my conclusions:

- a. To begin at the beginning, the CATV Task Force needed funding and staff as soon as it was established by the Board of Supervisors. Mrs. Gray, as chairperson of the Educational Access Committee was disturbed by the slow progress and pursued a course of action largely independent of the Task Force.
- b. The Task Force did not engage in any systematic educational program about cable television for its members, leaving those with little prior knowledge of cable somewhat in the dark. Mrs. Gray was among the less well-informed but her desire for action was stronger than others. If the early months of the Task Force had been spent in an analysis of the potential and reality of cable television, many of the problems faced by the Educational Access Corporation could have been avoided.
- c. The educational institutions of the City never became sufficiently involved with the efforts of the Corporation. Frankly, we simply did not know enough about San Francisco's educational institutions. Our moves were often premature and we should not have tried to begin operations without the active participation of at least one major institution. Our time would have been better spent educating the educators to the concept of access than to open a channel with no programming.
- d. The Corporation should not have moved into Far West Labs without negotiating a free transmission agreement with that organization. Paying for access simply does not work.
- e. We did not know enough about the psychology of groups. The Board of Directors is a dynamic group representing diverse informational, political, and cultural backgrounds; however, they need to work together to develop a common ideology based on shared knowledge about educational access. However, the basic concept of utilizing the channel for both traditional and innovative community educational programming remains sound.

Submitted by Michael Sales

(2) Potential of Educational Access

Despite the problems encountered by the newly formed Educational Access Cable Television Corporation, the CATV Task Force firmly believes in the potential of educational programming on a cable access channel. The current cable operator has indicated its willing cooperation by opening an educational access channel and by agreeing to retransmit microwave (ITFS) signals from the Archdiocese's educational facility in Menlo Park. This four channel educational microwave system has been integrated into the San Francisco cable system and brings instructional and religious programs to all the cable subscribers in the City.

Institutional Uses

- a. Public elementary and high schools, once they are all wired, can use cable television for classroom instruction that can be received by all the schools at the same time. In addition, homebound students, hospitalized children, the deaf, and the handicapped could tune in to the "classroom of the air" to keep up with their classes or to receive instruction at home. Bi-lingual cablecasts could greatly improve the efficiency and effectiveness of teaching those for whom English is not a native language.
- b. Community colleges and universities can reach more students through the use of cable television and enable adults to continue their education at home. Visits by distinguished professors could be shared by all the City institutions of higher learning by cablecasting lectures.

- c. Professional organizations, such as the Bar Association, the American Medical Association, Police Academies, Nursing Schools, and the like could provide continuing education for professional people by offering programs updating information.

Special Education and Community Uses.

- a. Special courses for the handicapped and gifted children could reach them in their homes, avoiding the problem of transportation of exceptional children to a central location.
- b. Courses teaching practical skills and job training, and courses of interest to only a few students can be offered with relatively little expense.
- c. Educational community organizations could offer instructional and informational programs about their services and facilities, purposes and philosophies.
- d. Programs about education itself, Board of Education meetings, and the structure of various educational institutions would be useful to students and the public as well.

An Educational Access Channel on cable television offers several advantages over present broadcast television's educational uses. First, the entire channel would be devoted to instructional programming aimed at a particular local school situation, ensuring that the programming would be relevant and operate according to the schools' schedules. The cable channel would fill the void between the national Public Broadcasting System and the closed-circuit ETV systems used in a single location. All of San Francisco's students could receive the same program simultaneously.

Second, the Educational Access Channel is flexible. It can reach students and audiences at times convenient to them. In addition, educational access allows for repetition of programming as often as desired, and perhaps could provide on-demand programming for certain hours a day so that students and viewers could request that a certain program be played at a certain time.

Third, cable television costs far less than over-the-air television to produce and playback. The only expense to the schools and the home viewers is the television receiver and a cable hook-up. If schools wished to produce their own programming for the channel, the investment in video production equipment is minimal compared to either broadcast television or film.

Fourth, cable offers the potential for relatively inexpensive bi-directional communications. Viewers would have an opportunity to respond to programs and eventually enter into two-way discussions with the teacher.

This section does not purport to be a complete analysis of the potential of educational cable television; it merely suggests possibilities for the future uses of telecommunications to improve education.

(3) Programming for Educational Access

The Task Force fully expects the "educational authorities" administering the educational access channel to design programming uniquely suited to San Francisco's needs. What follows is a list submitted by the Educational Access Cable Television Corporation of planned program areas to be developed more fully as projects receive funding.

- a. Children's series (See the report from the Children's Television Committee)
- b. Community news
- c. Political and Educational Forum
- d. Senior Citizen's program
- e. Programming for deaf adults
- f. Early Childhood Development
- g. City College Instructional Program
- h. High School Equivalency Program
- i. Arts administration
- j. Media Awareness
- k. Comparative Economic Systems
- l. Consumer survival
- m. Musical forms
- n. Children's literature for adults
- o. Bi-lingual instruction
- p. Preventative medicine and health care
- q. Forum for special interest groups
- r. Local sports

Once educational access is fully integrated with the existing institutions, the Task Force believes that the quality of education will improve in San Francisco and that students of all ages will be better served.

F. Children's Television Committee Recommendations

25. A representative group of San Francisco citizens appointed by the Board of Supervisors form a task force to work toward the development of a Children's Channel on cable television, providing quality programming for all San Francisco children; and that, in the interim, the educational access channel be utilized for children's programs on an experimental basis.
(Please see the following report for the membership and duties of this task force.)
26. The Community College should offer a course on cable television.

The Children's Television Committee of the CATV Task Force was formed to study, evaluate, and report upon the problems and proposals for cable television and children's programming. What is wrong with most programming directed toward children is well-known; therefore, the Committee concentrated on positive solutions to these problems. The following report includes sections on the membership and duties of the children's television task force recommended above, on a children's cable television channel, on the objectives of children's programming, and guidelines for programs.

(1) The composition of a task force appointed by the Board of Supervisors to work toward the development of a cable channel devoted to children's programming should include a representative from each City neighborhood and members from organizations concerned with the welfare of children, such as the Unified School District, the March of Dimes, the Parent-Teacher Association,

the Boy and Girl Scouts, the Mental Health Association, Juvenile Court, the Public Library's Children's Services, and the Committee for Children's Television.

The duties of the Task Force in addition to the development of a Children's Cable Television Channel would be as follows:

- a. to watchdog children's programs and enforce guidelines.
- b. to make sure that programs include and serve the handicapped and that programs for these exceptional children upgrade their image and teach them they are beautiful in their own way.
- c. to see that cosmetic consideration is banned.
- d. to assist in developing and encouraging neighborhood groups in the use of cable, and engage the support of local merchants.
- e. to seek sponsorship and funding for programs to hire talented paraprofessionals to work with children during summer vacation in dance, theatre, music, and drama.
- f. to develop a pilot program during the summer.
- g. to compile and publish a list of guidelines.

(2) A Children's Cable Television Channel

The idea of a cable channel devoted solely to children's television viewing is a highly innovative one. All the programs on the channel would be aimed at children so that mothers need not worry about excess sex and violence when they turn on the set for their children to watch. The model for such a channel was provided by the cable operator in Tulsa, Oklahoma, where such a channel was established.

The Tulsa Children's Channel operates from 7:00 am to 7:00 pm weekdays, and to 5:30 pm weekends. The channel is aimed at children from one to eighteen and has its own mascot which opens and closes the programming. Children's shows from the local independent stations are shown simultaneously on the Children's channel or taped for later playback; network shows are not included. When neither of the two local independent stations are showing anything suitable for kids, the cable station runs its own programs or plays movies. The channel hopes to expand its local production and allow children to participate in more of the programs.

A few of the programs locally produced were:

- Safety Tips for going back to school
- The Effects of Air Pollution
- A Special on the YMCA's programs for children
- Backpacking with the Eagle Scouts
- Arts and Crafts series, using local talent
- Christmas shows from the grade schools

(3) Objectives for Children's Television

The long term goal of the Children's Television Committee is the establishment of a children's channel in San Francisco. Toward that end we urge community groups and video producers interested in making children's programming which meets the objectives and guidelines of this Committee to utilize the Educational Access

Channel 8 as a testing ground for these programs. The Committee strongly endorses the efforts of Channel 8's children's programming under the direction of Carole Brown and Seena Alenick. The objectives of that programming parallel those of this Committee as stated:

- a. to provide real alternatives in children's programming that actively solicits their views as to their needs and desires and that is responsive to the attitudes they express
- b. to present television which parents and educators can trust--no commercials, no cosmetic considerations, no group stereotypes, no violence without values exploration
- c. to present a current listing of cultural activities for and by children in the Bay Area
- d. provide a showcase for the creative talents of children both in and out of school programs
- e. to create participatory programming materials for home use while watching a program, to prompt children to engage in parallel activities and motivate them to seek further information
- f. to strengthen and support children's attention spans by presenting events and topics of real meaning and concern to children
- g. to promote a positive self-image for children of all backgrounds and abilities, especially the disabled, by showing them engaged in a variety of activities
- h. to provide programming directed to the interests of children whom television has not considered before--the handicapped, the homebound, the deaf
- i. to foster the individual's search for identity and meaning without imposing unnecessary stereotypes related to sex, age, race, or socio-economic background

- j. to promote an awareness and appreciation of the differences among people as a positive contribution to the culture of all people by sharing the heritage and accomplishments of different groups
- k. to give children the opportunity to come together to share ideas and interests in their own way without the imposition of adult priorities
- l. to provide cultural enrichment programs in the arts, music, drama, and dance, and offer children the opportunity to participate in theatrical activity
- m. to foster reading readiness and interest through stories and folktales from a variety of cultures
- n. to promote body awareness and well-being with a movement-dance series, as well as demonstrations of centering and integrating techniques; yoga
- o. to present a wholistic and positive attitude about health and safety as well as information about common hospital experiences, childhood diseases, and emergencies
- p. to generate a sense of community to give children roots from which to grow

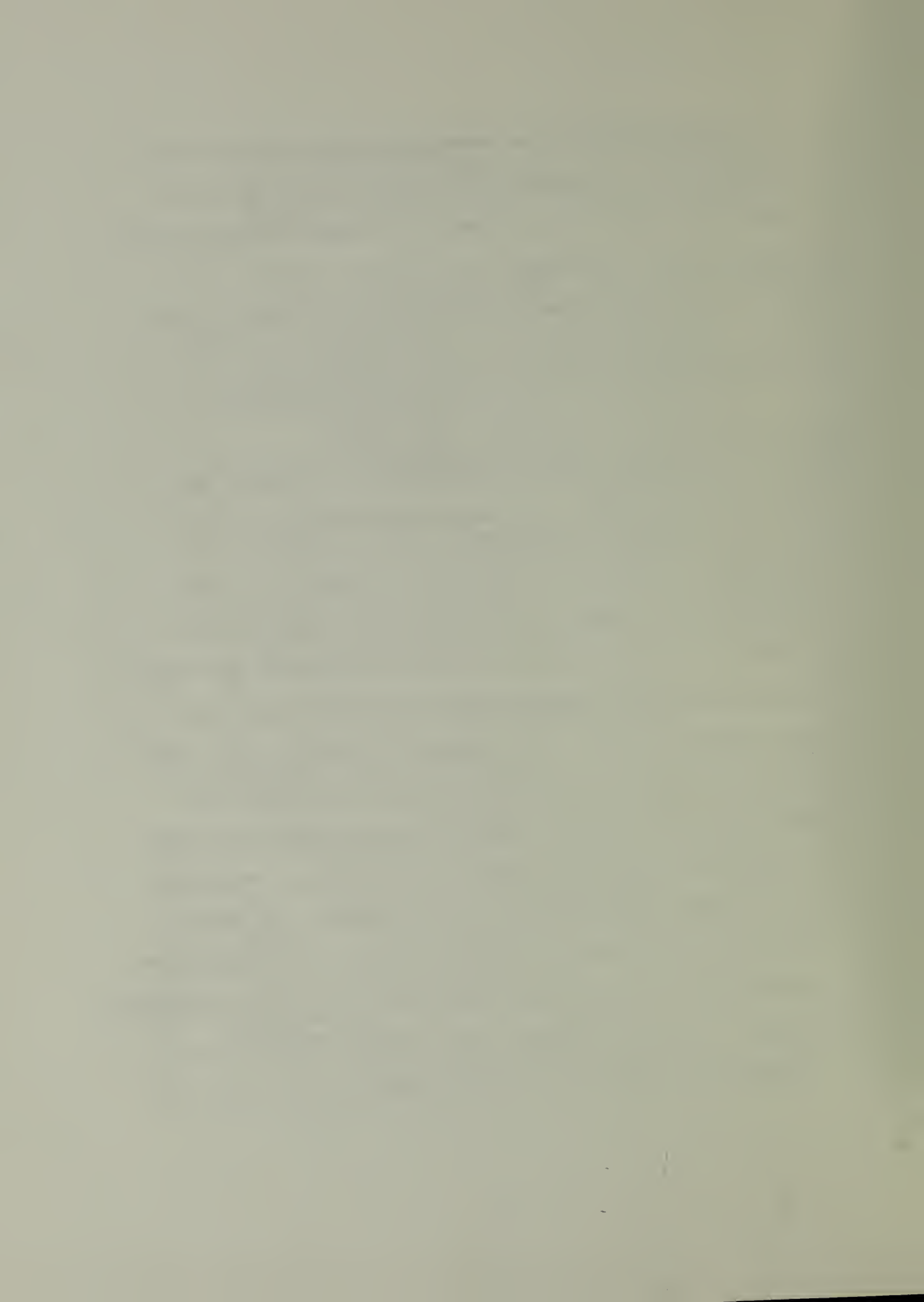
(4) Programming and Guidelines

The Children's Television Committee suggests more children's programming include children. Possible innovative developments in such programming include simple games children themselves can teach others, e.g., hopscotch, jump rope, marbles, hide-and-seek. Children could also participate in the making of cable television programs about pets, cooking, gardening, nature, the City, school sports, kids' news, sing-along, etc.

In addition to the programming objectives listed above and the inclusion of children in the making of television shows for children, the Committee sets forth below program guidelines:

- a. programs should determine age appropriateness and publicize it at the beginning of each program
- b. determine that the entertainment aspect of television is not synonymous with drivel
- c. enhance the child's self-image
- d. treat all cultures respectfully
- e. develop language ability
- f. augment the three R's--show a practical use of letters
- g. encourage an understanding of those who are different in any way

There is no need for children's programming on cable television to repeat the mistakes of broadcast television. The opportunity for local production and local control creates an entirely new situation, one that is not dependent upon a mass consumer audience. The real needs and desires of children can be fulfilled, and positive values can be taught through cable television. Television, whether we realize it or not, is more than an electronic babysitter for our children; it teaches them about the world in which they live. The Committee hopes this report will be the first step in the correction of the distorted picture of our society manifested through television as it exists today.



III. FUNDING AND FINANCE

- A. Basic Recommendations
- B. Municipal Facilities
- C. Public Access Center
- D. Educational Access
- E. Cable Regulatory Agency

III. FUNDING AND FINANCE

A. Basic Recommendations

27. The Board of Supervisors shall take all possible actions, including a petition to the Federal Communications Commission, to maintain the current 5% franchise fee.
28. The City shall seek grants from foundations, city, state, and federal agencies for experiments in the use of telecommunications and cable technology.

San Francisco currently receives 5% of the gross subscriber revenue of the cable company as franchise tax. The Federal Communications Commission, fearing that local governments will use cable television revenues for general fund-raising purposes, has set a limit of 3% for franchise fees in the 1972 rules regarding cable. If the fee collected by the local franchising authority exceeds 3%, justification must be made to demonstrate to the FCC that the fee is appropriate in light of the local regulatory program. In other words, if San Francisco wishes to retain its current 5% franchise tax after March 31, 1977, it must file a request for a waiver with the FCC outlining a cable regulatory program of some magnitude. Further, the FCC has determined that the gross subscriber revenue is the only taxable income at the present time, although the fee base may be expanded in the future to include other revenues.

The Task Force has addressed this problem of a cable regulatory agency in Section V of this report, where the structure and duties of such an agency are discussed in detail. Suffice to mention here that the Task Force endorses the idea of a separate governmental body for the regulation of telecommunications and the administration of the cable franchise, and also supports any efforts the City chooses to take to retain its current level of revenues from the cable television system. What follows is an analysis of these revenues.

FRANCHISE TAX PROJECTION

This projection is based on the 1974 penetration level of 29% of the wired areas, figuring that 85% of the residential area of the City will be wired by 1980.

<u>YEAR</u>	<u>SUBSCRIBERS</u>	<u>PRESENT RATE (\$6.25/mo.)</u>	
		3%	5%
1974	37,982	\$85,495.00	\$142,432.00
1975	42,340	\$95,265.00	\$158,775.00
1980	73,950	\$166,378.00	\$277,312.00

If the cable company is granted its recent rate increase request, the figures will go up accordingly.

<u>YEAR</u>	<u>SUBSCRIBERS</u>	<u>PROPOSED RATE (\$9.00/mo.)</u>	
		3%	5%
1974	see above	N/A	N/A
1975	"	\$137,181.00	\$228,636.00
1980	"	\$239,598.00	\$399,330.00

The Task Force has also recommended that the City or its authorized representative seek grants and other funds for experimental and developmental uses of telecommunications and cable technology. (Please see Appendix VII for a list of funding sources prepared by the Task Force.) The National Science Foundation recently made sizeable grants available for experiments in two-way cable communications. Stockton, California received one of these grants. The Board of Supervisors should investigate this and similar developments for possible application locally. In addition, any agency created for the regulation of cable television should include a research division which would be responsible for developing grant proposals on behalf of San Francisco.

In the preceding section of the public uses of cable television, the reports from the access committees contained recommendations to the Board of Supervisors and to the Board of Education that require the allocation and dedication of City monies. What follows here is a more detailed analysis of these proposals and the financial implications for the City and County of San Francisco.

B. Municipal Access

The Municipal Access Committee has recommended the establishment of a post-production video facility for use by City Agencies and for a one-year experiment utilizing automated services for a Municipal Access Cable Channel, to begin operation at the discretion of the Board of Supervisors.

(1) A post-production video facility, to be housed in the San Francisco Public Library, for use by all City Agencies to edit videotapes for in-house use as well as for cablecasting.

Budget:

\$15,000 for one video coordinator
\$10,000 for one full-time clerk
\$20,000 for equipment (in-kind from the Public Library)
\$10,000 in additional equipment for editing, studio
\$ 5,000 in supplies
NO CHARGE for office space (Library)
\$60,000

COST TO THE CITY: \$25,000 or \$12,500 in matching funds

(2) An automated service Municipal Access Channel to go into operation in 1977 or at the discretion of the Board. This channel would serve in the beginning as a City Bulletin Board with a constantly up-dated schedule of meetings, community services, and information directed toward the public. As the City Agencies

using video produced tapes of interest to the public, they could also be played on the Municipal Channel.

Budget:

\$12,000 for one video technician
\$10,000 for one full-time clerk
\$ 5,500 for automated service equipment
\$ 5,000 for office and supplies
\$32,500

COST TO THE CITY: \$32,500 or \$16,250 in matching funds

C. Public Access Center

The Public Access Committee has recommended the creation of a Public Access Center which would provide free access to videotape production equipment for the general public to produce programming for the Public Access Channel. Equipment and training would be available on a first-come, first-served non-discriminatory basis to all San Francisco citizens. Administration of the Center and operation of the channel would be the duties of a non-profit corporation created especially for the purpose, the Board of Directors to reflect the demographics of the City.

In addition, the Committee recommended that part of the Hotel Tax Fund be dedicated for the promotion of the channel and education of the public about access. This money may or may not go to the Public Access Center, at the Board's discretion.

(1) A Public Access Center would provide a public viewing center, videotape production facilities including portable equipment and post-production equipment, a van for on-location shooting, a staff to train the public in use of the equipment, a library of community tapes, and headend facilities for direct cablecasting of public programming. The start-up costs are the highest; thereafter, the annual operating budget need not exceed \$25,000 for staff, publicity and promotion, equipment replacement and expansion, and research. However, the initial budget could be as high as \$45,000, to be divided three ways; the City, the cable operator, and the public.

Budget:

\$15,000	from the City for personnel to organize the Center, provide training, conduct research
\$15,000	from the cable operator to be in the form of video equipment, maintenance, and tape supply. This equipment remains the property of the operator.
\$15,000	from memberships in the corporation, donations, grants, fundraising activities, to go toward office and supplies, new equipment, printing and distributing the program schedule, etc.
<u>\$45,000</u>	

COST TO THE CITY: \$15,000 for the first year; one-third of the annual operating budget thereafter.

(2) The Committee also recognizes the problem that all public access projects face--lack of information about cable television and the opportunities for

community participation in the medium. For this reason, the Committee sees the interests of the community being best served by a separate information and promotional campaign, funded by the City through the Hotel Tax Fund. A methodology for community outreach should be part of this campaign; a way to contact and encourage those citizens and groups who normally have no access to mass media to make use of the public access facilities. Of course, this campaign should also include information regarding the other access channels' municipal and educational services.

For this purpose, the Committee recommends that the Board of Supervisors instruct the Chief Administrative Officer dedicate for a period of not less than two years adequate monies from the Hotel Tax Fund. The Committee determined this figure to be at least \$11,000 a year or \$22,000 for two years.

COST TO THE CITY: \$22,000

D. Educational Access

The Educational Access Committee has recommended that the Board of Supervisors provide funds for research and development of the access channel. In addition,

the Committee recommends that the Board of Education hire an educational television coordinator to facilitate the integration of cable television in the curriculum of the public school system. This coordinator would work with the designated "educational authority" in the development of the channel and help seek funds for future programming.

(1) No dollar amount was determined for funds for research and development of the channel; this was left to the discretion of the Board of Supervisors.

(2) The educational television coordinator could work for the Board of Education or for the "educational authority" or access corporation administering the channel. If the latter option is chosen, the Committee recommends that the City pay for half of the cost of this office, the other half to be borne by the group in charge of the access channel.

Budget:

\$15,000 for one Educational Coordinator
\$ 5,000 for one part-time clerk
\$ 6,000 for office and supplies
\$26,000

COST TO THE CITY: \$13,000

TOTAL COST TO THE CITY OF ALL THE ABOVE RECOMMENDATIONS:
\$57,500 for municipal production and automated channel
\$37,000 for Public Access Center and information campaign
\$13,000 for an educational coordinator and office
\$107,500

E. Regulatory Agency for Cable and Telecommunications

The full voting body of the CATV Task Force has recommended that the Board of Supervisors create a separate agency for the regulation of cable television and telecommunications in general. Full details as to the composition and duties of such an agency or commission are contained in Section V of this report. The financial implications of the agency depend on its structure.

The Task Force supports any effort the Board of Supervisors takes to retain the full 5% franchise fee; however, as was discussed in the beginning of this section, such an effort must include a local regulatory program acceptable to the Federal Communications Commission.

F. Corporation-Guaranteed Tax-Exempt Municipal Bonds

In recent years, in a number of other American cities, large amounts of capital have been borrowed at very favorable "discounted" rates of interest by the issue of private corporation-guaranteed tax-exempt municipal bonds to finance socially useful industrial projects. Such bonds can, if the indenture agreement is properly constructed, still conform to current Internal Revenue Service rules for the Federal income tax exemption of

all interest paid on such instruments. These debentures can also be legally worded in a perfectly straightforward manner to bind the beneficiary corporation to repay the bonds, yet specifically exempt the issuing city and its taxpayers from all liability in the event of a default. The issuing cities have, in fact, often charged a direct or indirect fee to the beneficiary corporation, or won other concessions (such as in the areas of employment or job-training).

It would appear that the above might perhaps be the most practical method for the cable company to raise the amounts of money required to wire San Francisco by 1980, yet holding down to economically realistic sums future subscriber rate increases. If Viacom, the parent holding corporation of the cable franchisee, were to guarantee the municipal bonds, it is likely that the debentures would get a Moody bond rating in approximately the "A" category.

IV. FRANCHISE CONSIDERATIONS

- A. Franchise Recommendations
- B. FCC Rules
- C. Construction Timetable; Equitable Wiring
- D. Subscriber Service; Privacy
- E. Other Provisions

IV. FRANCHISE CONSIDERATIONS

A. Basic Recommendations

29. Provide that the franchisee shall meet all standards and requirements of the Federal Communications Commission and shall comply with all City regulations regarding construction, placement of cable, and repair of damages caused by the company.
30. Clearly specify in the model ordinance that the franchise includes the entire residential area of San Francisco except military installations and that the current franchisee has the responsibility for constructing its system so that 85% of the households in the city can subscribe to cable television no later than December 31, 1980.
31. The franchisee should be responsible for showing just cause why any extension of this deadline may be necessary. The Board should approve any extension directly, after full public hearings, and should set forth the penalties for non-compliance in the model ordinance, up to and including termination of the franchise agreement.
32. Renegotiate the present franchise and provide for expiration of the new agreement by December 31, 1990 at which time a new agreement should be negotiated in light of the performance of the franchisee and technological changes in the industry.
33. Require the franchisee to incorporate, when the City determines that it is technologically practical, the capability for an emergency override audio alert whereby an audio message may be broadcast over all channels simultaneously in an emergency.
34. Require the franchisee to install, upon request from any subscriber, a switching device to permit the subscriber to utilize his own television antenna in lieu of the cable-connected community antenna.
35. Require that the franchise contain rules prohibiting CATV monitoring of any terminal (i.e., television receiver) connected to the system without

specific written authorization of the subscriber or user of the terminal. Make the violation of subscriber privacy a felony.

36. Require the franchisee to respond to subscriber service complaints within thirty-six (36) hours of receiving the complaint, irrespective of week-ends and holidays, and further, to so operate its office that complaints and requests for repairs or adjustments may be received at any time, day or night.
37. Provide by ordinance that it shall be unlawful for any person, group, company, etc., to make any connection, extension, division whether physically, inductively, electronically or otherwise, with or to any segment of the franchised cable television system for any purpose whatsoever. Removal or destruction of equipment shall be a criminal offense. Simple disconnection shall be permitted.
38. The franchisee shall file an affirmative action program with the City in compliance with local, state and federal employment practice programs.
39. The franchise shall contain a section concerning the "state-of-the-art" of cable television, requiring the system to remain current with the technological developments of the industry.

B. Federal Communications Commission Rules: Franchise

In its 1972 cable television regulations, the FCC pre-empted state and local authorities with regard to cable retransmission of television broadcast signals, access to and use of non-broadcast cable channels, and technical standards (although local governments may specify additional or more stringent technical standards under certain circumstances).

The FCC also addressed appropriate division of regulatory jurisdiction between the federal government and state and municipal governments. The Commission decided against establishing a licensing procedure for cable systems (as they have for broadcast systems) and instead opted for a dual jurisdiction format, whereby a cable system must be granted a franchise which meets certain minimum standards by the appropriate local franchising authority before the system will be given a certificate of compliance by the FCC. Cable systems in operation before the publication of the 1972 rules were given five years to comply.

San Francisco's cable system has been in operation for over ten years. The current operator was granted a twenty-one (21) year franchise in 1964 (Ordinance #105-64). An agreement between the operator and the City bringing this document into compliance with the FCC cable television rules must be reached before March 31, 1977 so that the cable system may continue to provide service to San Francisco.

FCC minimum standards require that a franchise may be granted only as part of a "full public proceeding affording due process," during which the franchisee's "legal, character, financial, technical and other quali-

fications" are considered and approved. Further, any franchise granted (whether initial or renewal) must be of "reasonable duration," which the Commission has defined as a maximum of 15 years. The Task Force has recommended that the current franchise be renegotiated to incorporate the federal rules and reflect the Task Force recommendations, such agreement to expire December 31, 1990. In addition, the Board of Supervisors should adopt a Broadband Communications Ordinance (Section VI) with which all cable television franchise agreements shall comply.

C. Construction Timetable: Equitable Wiring

Under FCC minimum standards, the franchising authority must require the franchisee to accomplish "significant" construction of the system within one year after FCC certification and to extend energized trunk cable to a "substantial percentage" (informally defined as 20%) of the franchise area each year thereafter.

Since over one-third of San Francisco is already wired for cable reception, the Franchise Committee of the Task Force recommends that the ordinance specify that the franchise includes the entire residential area of the City and County of San Francisco except military installations; and that the current franchisee

has the responsibility to construct its wiring so that 85% of the households in this area can subscribe to CATV service by no later than December 31, 1980. By proceeding to construct its system to cover 20% of the remaining unwired portions of the City per year, the current franchisee should be able to complete the above construction schedule without undue difficulty. The franchisee shall show just cause for failure to comply with this provision and the Board of Supervisors must approve any extension of this deadline. Penalties for non-compliance shall be established.

In addition, the FCC states that any wiring plan should extend cable services "reasonably and equitably" throughout the franchise area. San Francisco has already required the franchisee to submit a wiring plan for its approval. The Task Force suggests that the Board continue to monitor the wiring schedule to insure equitable availability of service.

The following chart, based on figures supplied by the current franchisee, shows the progress (as of the end of 1974) of the wiring of San Francisco.

SUMMARY OF SUBSCRIBERSHIP

<u>Neighborhood</u>	<u>No. Homes</u>	<u>Average Family Income</u>	<u>% High School Grads</u>	<u>% Black</u>	<u>No. CATV Subscribers</u>	<u>% Homes</u>
Pacific Heights Marina	15,600	\$19,675	79%	.5%	6,200	41%
Mission/Potrero	12,800	8,545	44.5	3.6	4,950	39%
Columbus Ave. Chinatown/Tel Hill	11,800	7,164	63.3	.6	3,850	33%
Noe Valley Twin Peaks	18,000	11,241	64.7	1.8	5,510	31%
Silver/Mclaren	10,500	11,680	48.0	4.8	3,100	30%
Ingleside/Monterey Mt. Davidson	9,100	11,455	58.8	N/A	2,500	28%
Park-Merced	3,400				840	25%
Richmond	18,300	12,840	70.0	2.0	3,950	22%
Inner Sunset	10,600	15,857	72.0	2.1	2,280	22%
Bernal Heights	5,600	10,059	50.1	11.6	1,220	22%
Sunset	14,100	13,239	68.5	1.0	2,620	19%
TOTALS (AND AVERAGES)	129,800	\$12,176	61.9%	3.1%	37,030	29%

NOTE: All figures for 1974

D. Subscriber Service; Privacy

The Commission requires the local franchising authority to approve initial subscriber rates and installation fees, as well as any subsequent rate changes after appropriate public hearings. The Board has approved the current subscriber rate of \$6.25 per month; however, it has before it a request from the cable operator for a substantial rate increase to \$9.00 per month. Consideration of this request is found elsewhere in this report and shall not be discussed here. However, the Board should establish a regulatory procedure for filing petitions for rate changes and a procedure by which to determine reasonable rates.

Under Commission rules, the local franchising authority must establish a procedure for the investigation and resolution of customer complaints regarding "quality of service, equipment malfunctions, and similar matters." The Task Force recommends an ordinance provision stipulating that subscriber complaints must be answered within thirty-six (36) hours irrespective of weekends and holidays, and further, that the company so operate its office that complaints and requests for service, repairs, or adjustments may be received at any time, day or night. To ensure compliance with this provision, the Board of Supervisors or its cable regulatory agency should be granted enforcement powers and minimum service standard testing procedures should be formulated.

Taking into account the frequent system failures and malfunctions, some of which are beyond the operator's control, the Task Force has also provided that the cable company install, upon request from any subscriber, a switching device to permit the customer to utilize his own television antenna. In this way, the subscriber would still have the use of his television in the event of a cable system breakdown.

The CATV Task Force has received several complaints from cable subscribers about poor reception on certain channels and, occasionally, no reception at all. However, most complaints received were from people not residing in cabled areas who wished to subscribe to the system. (Please see Appendix VIII for a list of people who contacted the Task Force and the nature of the complaints.)

In regard to subscriber privacy, the Task Force has recommended that the franchise contain rules prohibiting CATV monitoring of any subscriber terminal (television) without specific written authorization of the subscriber or user, and to make such unauthorized monitoring via cable a felony. This provision may seem irrelevant and in light of contemporary technology, it is futuristic. However, the reality of

of the situation is that two-way cable transmission is entirely possible, although currently too expensive to install. Two-way cable does not necessarily mean that video and audio signals can be passed "upstream" as well as "downstream," at least not yet. However, computerized monitoring of program selection is feasible and this information could be sold to rating services and advertising interests. The Task Force feels that subscriber privacy is a right and that any use of two-way communications through cable television be carefully monitored. Equipment permitting two-way transmission should be constructed so as to provide a clear sign (a light or sound) that the device is operating. In addition, the equipment should have a switch by which the subscriber can prevent monitoring at any time.

E. Other Provisions

- (1) In addition to protecting the subscriber, the Task Force recommends that "cable-tapping" or unauthorized connections to the cable system be made unlawful. This provision will become more important with the development of Pay-TV channels.
- (2) The Task Force recommends the installation of an emergency override audio alert, as soon as it is technically feasible, which would cablecast an audio

message over all channels simultaneously in cases of emergency. This device is especially important in an earthquake area. However, the situations declared an "emergency" should be carefully defined to prevent abuse of the mechanism.

(3) The franchisee shall file an affirmative action plan with the City in compliance with all local, state, and federal equal opportunity employment practices.

(4) The franchise shall include a "state-of-the-art" provision, requiring the cable system to remain current with the technological developments of the industry. The speed with which telecommunications technology changes and advances is apparent. The cable operator should be required to install or utilize in San Francisco the newest, reliable equipment in use anywhere else the company owns cable systems.

Please refer to the model ordinance (Section VI) for a complete listing of franchise provisions.

V. Cable Regulatory Agency

A. Basic Recommendations

B. Cable Regulatory Agency

C. Further Considerations for the
Regulatory Agency

1. Leased Channels
2. Technical Standards
3. Construction Considerations
4. Telecommunications Master Plan

V. Cable Regulatory Agency

A. Basic Recommendations

40. Establish a regulatory agency in City government to renegotiate the current franchise, review the operation and development of cable television in San Francisco, review all requests for modification of subscriber rates, handle subscriber complaints, and prepare a Master Plan for the development of telecommunications in San Francisco.
41. Request a waiver from the Federal Communications Commission for the right to regulate leased channels and include leased channel revenue in the fee base.
42. Establish all procedures and rates for the leasing of cable channels, subject to the approval of the Board of Supervisors.
43. Review leased access channels on an annual basis at which time, if channel scarcity exists, other demands upon the leased access time should be considered; enforce the expansion requirements as established by the FCC.
44. Enforce the franchise with respect to the granting of leased channels on a first-come, first-served basis at non-discriminatory rates.
45. The City or the regulatory agency shall not have the right to regulate content.
46. Establish service zones consistent with Planning Department programs to create multi-service centers in the City. These zones shall not be used for the purposes of franchise but for development of municipal uses and services to the community. The zones may be used to require closed circuit capacity for these areas. Cost of the additional technical capacity shall be borne by the company but attributable as a cost of operation.
47. Investigate point-to-point networking, especially for the wiring of the Civic Center area.

48. Investigate the potential of interconnections with other Bay Area cable systems.
49. Maintain construction standards to ensure a safe and reliable cable system
50. Set technical standards for the reception of broadcast television signals received either off-the-air or by microwave.
51. Set technical standards for ensuring overall system performance.
52. Establish procedures for testing the performance standards and for systematic review every five years.
53. Develop a record-keeping log book that supports the technical standards and testing procedures.
54. Establish and enforce penalties for non-compliance with technical and service standards up to and including revocation of the franchise.
55. One person knowledgeable about cable television and other aspects of electronic communications be added immediately to the staff of the Chief Administrative Officer.

B. The Cable Regulatory Agency

The regulation of cable television in San Francisco is currently limited to keeping maps, records, and plans of installed equipment on file with the Director of Public Works, the Department of Electricity, and the Assessor. General cable operations and subscriber complaints are loosely under the jurisdiction of the Chief Administrative Officer of the City.

The Franchise Grant Procedure (Ordinance #203-74) currently on file with the Board of Supervisors spec-

ifies certain duties for the Chief Administrative Officer and the Board with regard to service and rate regulation, and outlines the conditions under which the Board may terminate the franchise.

The CATV Task Force takes the position that cable television and telecommunications will become a valuable and essential part of the operation of the City. The systematic development of use of the access channels, the growth of municipal cable services, the regulation and enforcement of the franchise conditions, the testing and review of the cable system, all these areas are too important to approach piecemeal. The Task Force recommends the establishment of a separate agency in the City government for the regulation of cable television and telecommunications.

Although some of the regulatory functions could be performed by existing city agencies, most of these functions would require development of procedures which do not now exist in the City's governmental structure. Furthermore, most of the regulatory functions are inter-related and all are sources of information essential to an over-all evaluation of the performance of the existing cable system. In view of

these factors, exercise of all local regulatory duties by a single governmental entity created for that purpose has the patent advantages of permitting the establishment of comprehensive, unified regulatory procedures and of developing an agency well-versed in all aspects of cable regulation, in the level of performance of the local franchisee, and in the changing needs of the community.

The FCC has made it clear that the dual jurisdiction format, allowing local governments franchising authority, is experimental in nature. After assessing the regulatory response from local government, the FCC may decide to pre-empt areas now under local regulation. The need for development of strong local procedures is evident, if municipalities wish to retain any of the flexibility which local regulation permits. In addition, no matter how centralized and and comprehensive a regulatory system is, that system will be ineffective without meaningful enforcement mechanisms. Therefore, any agency created by the Board of Supervisors for the regulation of cable should be empowered to enforce compliance when appropriate, by imposing fines, shortening the duration of the franchise, etc.

(1) Duties of the Broadband Telecommunications
Regulatory Agency:

- a. The Agency shall have sole authority to represent the City in negotiations of the cable television franchise and in the setting of rates. The Board of Supervisors shall retain the power of final approval over both the franchise and rates;
- b. The Agency shall have the power to hire an Executive Director and other staff necessary to carry out its duties and shall submit an annual budget to the Board of Supervisors for approval;
- c. The Agency may, at its discretion, create a Citizens' Advisory Council and other advisory bodies (e.g. Technical Advisory Council) which it requires to carry out its duties. The membership of such bodies shall be established by the Agency and their roles defined by the Agency;
- d. The Agency may be delegated police powers by the Board of Supervisors for enforcement of the ordinance and the franchise;
- e. The Agency shall renegotiate the current franchise in conformance with FCC requirements

for all systems as of March, 1977, and with the cable television ordinance recommended by the CATV Task Force, subject to final approval by the Board of Supervisors;

f. The Agency shall review the operation of the franchise including customer complaints, auditing of all books, delays or failure to meet franchise obligations, renegotiation of new franchises, and the termination of the existing franchise where appropriate, subject to the approval of the Board of Supervisors;

g. The Agency shall review requests for the modification of all rates, establish a framework for evaluating cable rates, and advise the Board of Supervisors on the establishment of rates. Sole authority for rate-setting shall remain with the Board of Supervisors;

h. The Agency shall provide the expertise and citizen participation necessary for long-range planning of cable and other telecommunications systems. It shall also prepare a Master Plan for the development of telecommunications for the City and County of San Francisco;

i. The Agency shall develop evaluation techniques and conduct public proceedings in connection with applications for franchise, franchise renewals, rates and rate changes, cable policy changes, with powers to advise the Board of Supervisors;

j. The Agency shall establish franchise requirements about construction timetables, maintenance of technical standards, quality of service, state-of-the-art, and subscriber privacy safeguards; and develop testing procedures and recordkeeping log books for such purpose;

k. The Agency shall develop procedures for and review of customer complaints regarding quality of service, equipment malfunctions, etc., with the power to require the franchisee to accept Agency findings and adjust billing, make refunds or provide service in accordance therewith;

l. The Agency shall encourage the use of access channels to the fullest possible extent by all segments of the community, with the power to encourage development of and work with non-profit organizations towards

this end;

m. The Agency shall audit franchise records annually and annually prepare a report to the Board of Supervisors on such audit as well as on franchise fees received and disbursements and expenditures made by the Agency itself; and prepare, at the request of the Board of Supervisors, any materials in support of a petition to the FCC for an increase in franchise fees.

(2) Structure of the Broadband Telecommunications Regulatory Agency:

The Task Force studied the few models now existing in other states and communities for cable regulation and found as many different structures as there were models. Each local situation is unique, demanding an unique response to the challenge of developing and utilizing telecommunications in modern government. State and federal legislation affecting cable television and the local government's duties and responsibilities may change dramatically in the next two years, in response to the FCC's changing regulatory stance. In

order to maintain the necessary flexibility, we suggest an interim step between the informal and divided jurisdiction now existing in San Francisco's cable policy and a permanent, future agency which would be authorized to oversee telecommunications development, including cable television, microwave transmission, satellite communications, etc.

To this end, the Task Force recommends that one person knowledgeable about cable television and other aspects of electronic communications be added immediately to the staff of the Chief Administrative Officer. This person would begin his duties by helping re-negotiate the current franchise, due for revision in 1977, and help the Board of Supervisors by conducting research and fact-finding in the rate increase request now before the Board. This new staff member could also become the liaison between the other City officials, such as the City Attorney, the Controller, the CAO, the Department of Public Works, and the Board, and continue collecting the data pertinent to cable television regulation for the establishment of a permanent Broadband Telecommunication

Regulatory Agency. In this way, all the information and research materials collected by the CATV Task Force, and the office supplies purchased for that committee could be transferred and put to good use right away. The new staff would also be charged with investigating other regulatory agencies elsewhere, and recommend the structure of a permanent agency to fulfill the duties listed, beginning page 75, in this report.

Toward the end of creating a permanent agency, which is recommended elsewhere in this study, the Task Force suggests the following options to the Board of Supervisors, in the order of preference.

- a. Create an Office of Broadband Telecommunications under the Chief Administrative Officer, with one full-time Director, clerical assistance, office, and supplies. The Director would coordinate efforts of the other departments which now control portions of the cable franchise and operations; e.g., the Departments of Electricity, Public Works, the City Attorney, etc.

b. Create a Commission of Broadband Telecommunications under the Mayor, with one full-time Director, one full-time clerk, office, and supplies. Other members of the Commission could be representatives of those City agencies now overseeing parts of the cable operations, plus representatives from the Board of Education, the Public Library, the Department of Public Health, and other City agencies as deemed necessary.

(As an adjunct to the two options above, the Task Force encourages the creation of a Citizen's Advisory Council, to include members of the Public, Educational, and Municipal Access Channel authorities or corporations, as they are formed, and representatives of other citizen's and educational groups selected by the Board of Supervisors and/or the Mayor to obtain broadly based community participation. Members of this Council would serve for a limited term on a rotating basis, and be comprised fixed number of people.)

c. Establish a five-member Commission of Broadband Telecommunications, one member to be the Chief Administrative Officer or his designee, four members recommended by

the Board of Supervisors, appointed by the Mayor. Appointees would serve staggered terms of four years.

d. Place cable regulation under the Public Utilities Commission, whose staff would have responsibility for cable regulation and related matters, such as handling disputes, etc. Cable television could be designated a common carrier, in this regulatory set-up.

The Task Force urges the Board of Supervisors to give the matter of telecommunication regulation serious consideration. The 1977 deadline for compliance with FCC Cable Rules has stimulated interest and concern on the local, state, and federal levels. As the recent bill in Sacramento proposing State PUC regulation of cable television demonstrates, matters now in the hands of local authorities may be preempted in the very near future. For example, the Massachusetts State Cable Agency has appropriated final approval of subscriber rates for all Massachusetts communities served by cable. Only a strong and measured response to the responsibility of cable regulation will ensure the City's rights and authority.

C. Further Considerations for the Regulatory Agency

(1) Leased Access Cable Channels.

Currently the City is pre-empted from any right to regulate leased channel operation and from the right to include the revenues in the franchise fee calculation. The Task Force recommends the City take the position that leased channels have an impact on the public and public operations of cable and as such the City should have the right to regulate them. The Cable Regulatory Agency should seek a waiver for the City for the right to establish all procedures and rates for the leasing of cable channels, subject to the approval of the Board of Supervisors.

At least one channel must be provided with preference given to part-time users on a first-come, first-served basis; in addition, the FCC encourages preferential rates for non-commercial users. There shall be no control over the content by either the cable operator or the City.

Review of leased channels should occur annually, at which time, if channel scarcity exists, other demands upon the leased access time should be considered. The FCC provides rules for channel expansion and these shall be followed.

(2) Technical Standards.

The FCC has pre-empted local authority in the regulation of signal carriage of off-the-air television. The franchising authority may not exceed federal demands in this area; however, it should ensure the operator's compliance with the established rules.

The FCC has also pre-empted some of the technical requirements for cable operations. Because the problems are complex and cable technology is developing rapidly, the FCC chose for the present to impose only limited standards, principally to prevent the degradation of broadcast signals through cable retransmission and to provide minimum safeguards against interference from other electronic media.

The FCC adopted a four-part classification of cable channels according to their use; the technical standards affect only the Class I or broadcast signals. Consequently, cablecasting, non-video, and return channels remain unregulated at the federal level, leaving the local authority to establish franchise specifications.

In addition, the FCC leaves areas of performance, safety, reliability standards, procedures for testing the system to ensure that those standards are being met,

and record-keeping requirements up to the local governments. The Task Force has recommended that the Cable Regulatory Agency establish technical and service standards, develop and administer testing procedures, provide a mechanism for periodic review of all aspects of the cable operation, and initiate record-keeping log books that support these procedures.

(3) Construction Considerations.

a. Interconnection

Cable television systems are franchised to operate within one geographical area. In some cases, multiple franchises are awarded in large cities. The Task Force considered the option of multiple franchises for San Francisco; however, the current situation has rendered that option impractical since over one-third of the City is already wired. The portions of the City left unwired do not provide a broad enough economic base for a competing system. Therefore, interconnection within the City is a moot point.

However, interconnection with the cable systems of other municipalities in the Bay Area is a real possibility for the near future. Specifications for interconnection with other cable

operations must be drawn up carefully to insure compatibility between systems and a sufficient number of channels must be set aside for this purpose. Such a Bay Area interconnection of cable systems represents the formulation of a new type of network, one which originates programming at several points. Smaller systems which cannot afford much origination can deliver programs of a local nature to their subscribers for a fraction of the cost; all the Bay Area subscribers would have an opportunity to watch programs of local importance simultaneously. The Cable Regulatory Agency should investigate interconnection and perhaps begin plans for a Bay Area Cable Consortium.

b. Point-to-point Networking

The present cable system in San Francisco is extending through the City in the traditional "tree" or party-line configuration. As a result, there is a developing inflexibility for sophisticated cable communication services. Such a network could provide the means whereby certain buildings such as schools, libraries, governmental offices, etc. could be interconnected and share a cable

channel that is not part of the service to residences. Ideas for using point-to-point cable include linking municipal agencies with a coordinated data system, linking police stations with the courts, banks with branch banks, hospitals with other medical facilities and schools, etc. Such channels could also provide two-way capability for information exchange and updating. The Task Force feels the Cable Regulatory Agency should consider such a system when the wiring of the Civic Center is undertaken.

c. Subdistricting

Unfortunately, the current cable system in San Francisco does not provide the capability to separate areas of the city to receive specialized programming. The provision of district programming could be especially significant for a city such as San Francisco which serves a multi-ethnic population that needs multi-lingual programs in various languages. Dividing the city into subdistricts or zones for the delivery of specialized services should be studied in greater detail in conjunction with the Planning Department.

d. Computer Data Transmission

Consideration should also be given to the possibilities of data transmission and the use of television as CRT terminals. Banking without paper, access to existing computer data resources in the City, and instituting simple digital response systems should be studied in relation to the existing cable system.

Although data transmission, telefacsimile, and two-way cable communications sound futuristic, the technology is available for the delivery of these services. Although the Task Force does not anticipate immediate development in these areas, it would be remiss in its duties if it did not bring these facts to the Board's attention and urge them to consider these factors when.. drafting the cable ordinance and negotiating rates and services.

(4) Master Telecommunications Plan.

In addition to cable television, other developments in telecommunications need to be considered. Many of these developments are studied in more detail in the Report of the Joint Committee on Telecommunications of the California State Legislature, Telecommunications and the Public Interest.

Satellites. Communications satellite service has been tested in eight states serving the Rocky Mountain region of the United States and was found to provide dependable service of high quality. The ATS-6 satellite is currently in use over India until 1977. The Joint Committee feels that California should be next to experiment with satellite communications.

"We recommend that the Legislature establish immediate contact with NASA, H.E.W., private foundations, domestic satellite developers, and adjoining states to explore the possibility of designing a satellite project using ATS-6 after its experimental period in India." Telecommunications and the Public Interest, p. 16.

ITFS. Instructional Television Fixed Service is a delivery system of particular significance at the elementary and secondary level of public education. It consists in an open circuit microwave broadcast system requiring special receiving equipment that limits its use by the general public. It is specifically designed to deliver program materials from a central point to properly equipped classrooms and learning centers. In addition, it can provide "upstream" aural communications from the student to the teacher. It is a low-cost method of delivering instructional material to defined audiences. An ITFS

system is already in use in the Bay Area by the Archdiocese and the local cable operator in San Francisco purchased the equipment necessary to receive the four channels from Menlo Park and retransmit them into subscribers' homes.

Therefore, the Task Force feels that the ITFS delivery system should be included in any over-all telecommunications policy developed by the Cable Regulatory Agency. The Joint Committee recommended:

"...further development of ITFS be encouraged and coordinated to protect the resource and to realize the benefits of a low-cost delivery system" p. 12.

Television Broadcast Translator Stations are another aspect of telecommunications that provide a simple and economical method of extending public television stations' service to areas that do not have direct reception of such stations. They can also provide additional signals for cable systems.

The Joint Committee recommended:

"While the State cannot license translators, it should include them in its consideration of delivery systems needed to extend public and instructional broadcast services throughout the State." p. 11.

The above telecommunications systems, along with public television and radio, offer potential services that will radically alter the nature of our society.

The State Joint Committee, recognizing the need for a comprehensive telecommunications policy on the State level, urges leaders on the local level to consider all the aspects of electronic communications rather than proceed piecemeal with each delivery system as the need arises. Therefore, the Task Force supports the efforts of the Board of Supervisors and the Cable Regulatory Agency to develop a larger perspective and policy in which a CATV system can assume its proper role.

VI. POLICY: TENTATIVE MODEL ORDINANCE

POLICY

The major problem facing San Francisco in the regulation of cable television is the establishment of consistent policy. While there is great interest in the public use of cable television and concern over the protection of consumers, there is little evidence to indicate that cable is a public necessity yet, and that the City recognizes the need to deal with the problems of responsible regulation. Any new regulation or policy adopted by the City should be designed to place the City in the most flexible position without requiring the City to make arbitrary regulatory policy. Primarily, the City should establish a framework for the collection of data and a system of evaluation so that as events develop in the state-of-the-art and in the status of cable in the City, it will be possible to maximize the resources without requiring a major change in approach.

A. Ownership

The majority of cable systems in the United States are owned by private, profit-making organizations. (An increasing number are owned by multiple system

operators or MSO's; about 60% of the subscribers are now served by MSO's.) The pattern of ownership reflects the history of cable television as a reception improvement service. Modern broadband cable systems hold greater potential for the development of commercial, entertainment and public services. The development of these services will depend largely on ownership, control and regulation of these systems.

When the City of San Francisco first franchised cable television, it was to a local company with a single system. The ownership is now a major corporation with multiple systems and responsibilities. While the City is currently bound to the present system, there needs to be an understanding of the ownership options available when the franchise comes up for renewal. The Task Force has recommended that the franchise be of limited duration just to provide for such reconsideration in the future, although weight must be given to the current operator in any such renewal proceedings.

(1) Multiple Systems Operator

A multiple systems operator while in some ways can spread the cost of operation over a number of systems, also must charge the cost of growth to already built

systems. It is then difficult to require that the operator base rates on the individual system unless the local regulatory agency states that the cable system in San Francisco is not to bear the costs of expansion in other cities and for the company. While a fair share of overhead may be allowable, growth funds must come from profit and not be charged as an expense.

(2) Cable Television as a Utility.

If the City should in the future decide that cable service is a necessity to the citizens of San Francisco, it may wish to designate cable as a public utility, to be regulated accordingly. Questions of a format for establishing a fair rate of return, allowable items of operation charged to customers, and a uniform system of accounting all need serious consideration.

(3) Subsidized Service.

The City may wish to consider establishing a rate schedule which is subsidized for people living on low, fixed incomes, welfare recipients, senior citizens, and the like, to ensure delivery of municipal services over cable television to everyone. Such an arrangement would require more participation by the City on all levels of cable operation.

(4) Municipally-owned Cable Television

Should the City decide to buy and operate the cable system in the future, it should consider the form such ownership might take. It could claim outright ownership, establish a public agency to operate the system, or form a non-profit corporation to administer cable television and its services. Due to the enormous profit potential of urban cable systems, the City may wish to give such an option serious consideration.

B. Rates and Fees

(1) Leased channels

Currently the City is pre-empted by the FCC from any right to regulate leased channel operation and from the right to include the revenues in any rate or fee calculation. The Task Force has taken the position that the City should challenge the FCC on this rule. Leased channels have an impact on the public and as such the City should have the right to regulate them if it so chooses. The City should petition the FCC to have the responsibility to ensure leased channels are available on a first-come, first-served basis at a non-discriminatory rate. Further, the City should

have the right to include the revenues from leased channel operations in the franchise fee base. However, the City shall not have the right to regulate content.

(2) Franchise Fees

The Federal Communications Commission has pre-empted certain areas of cable regulation. The City shall take the position that since San Francisco is one of the top ten television markets as defined by the FCC, the potential for cable service and profit is immense; therefore, certain requirements should be met in return for the privilege of operating in such a market. One of these requirements shall be basing the franchise fee paid annually to the City on five percent (5%) of the annual gross revenues of the entire cable operation.

The franchise fee is currently limited to only one revenue source: the annual gross subscriber revenue. The other sources of income, leased channels, advertising, other services, etc., have been pre-empted supposedly to protect new uses of cable as they are in the developmental stages. The pre-emption was lobbied for by the cable industry to protect lucrative sources of income from taxation and protect access to limited capacity. The City should assert its right

to regulate all forms of business done by a cable communications network within the community. To do so will call for the City or the Cable Regulatory Agency to petition the FCC for a waiver of its current limitation on the franchise fee base allowed. The Task Force considered these areas are the right of the local authority and additionally can best be administered locally.

TENTATIVE MODEL ORDINANCE

- A. Legislative Intent
- B. Definitions
- C. Administrative Procedures
- D. Regulation: Jurisdiction and Procedures
- E. Operation of the Franchise
- F. Applications for Franchise
- G. Franchise Grant Procedure and Renewal
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- J. Bonds; Indemnifications; Insurance
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TENTATIVE MODEL ORDINANCE

A. Legislative Intent

To require the City and County of San Francisco to develop policy on the use of telecommunications technology to deliver mandated government services more efficiently and effectively. To enable the City and County to implement such a policy. To give the City and County specific rules and regulations for the operations of a coaxial cable communications system or broadband telecommunications network.

B. Definitions

For the purpose of this ordinance, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

(1) Include standard definitions for the following and any other as required by the Charter:

City and County of San Francisco;
Board of Supervisors;

The Mayor;
Human Rights Commission;
Chief Administrative Officer;
City Contractor;
Resident.

(2) The following as defined by the Federal

Communications Commission:

Cable television system;
Television station, television broadcast station;
Television translator station;
Principal community contour;
Grade A and Grade B;
Specified zone of a television broadcast station;
Major television market;
Designated community in a major television market;
Smaller television market;
Substantially duplicated;
Significantly viewed;
Full network station;
Partial network station;
Independent station;
Network programming;
Syndicated programming;
Series;
Off-network series;
First-run series;
First-run, non-series program;
Prime time;
Cablecasting;
Origination cablecasting;
Access cablecasting;
Municipal access channel;
Public access channel;
Educational access channel;
Legally qualified candidate;
Classes I, II, III, IV cable channels;
Channel frequency response;
Subscriber terminal;
System noise;
Terminal isolation;
Visual signal level.

(3) Federal Franchise Standards as defined by

the Federal Communications Commission.

(4) The following terms as defined for use in the City and County of San Francisco:

a. Additional Service shall mean service provided to the subscriber for which an additional charge is made based upon the use of additional spectrum space.

b. Annual Gross Revenues shall mean the revenue base upon which the annual franchise fee is determined. It is the policy of the City that Annual Gross Revenues shall include all revenues received by the grantee, its affiliates or subsidiaries from and in connection with the operation of the Broadband Telecommunications Network in the City and County of San Francisco, and shall include revenues from advertising, channel leasing, data transmission and per program charges as well as regular monthly payments. The City shall take the position with the Federal Communications Commission that these fees shall be included. Currently, Annual Gross Subscriber Revenues is the revenue base upon which the annual franchise fee is determined.

c. Broadband Telecommunications Network shall mean any network of cable, optical, electronic equipment used for the purpose of retransmission of electrical impulses of television, radio, and other intelligences either analog or digital for sale or use by the inhabitants of the City.

d. Basic Service shall mean all broadcast signals and programming originated as part of the access requirements.

e. Contract shall mean a written agreement between the City as grantor and a cable communications company as contractor which shall cover all the terms and provisions establishing the rights between

the grantor and the contractor with respect to the operations of a cable company.

f. Contractor shall mean any person, corporation, or subsidiary thereof entering into contract with the City or a contractor with the City or recipient of a franchise with the City.

g. Franchise shall mean the standards for operation agreed upon between the City and an individual operator. (See contract)

h. Zone shall mean any geographic division of the City consistent with those being established by the City Planning Department for the development of multi-service centers.

i. Subscriber shall mean any person, firm, corporation, or association (institution) receiving service from the contractor under a schedule of fees filed with an approved by the City.

C. Administrative Procedures

(1) No person, firm, company, corporation, or association shall construct, install, maintain, or operate within any public street in the City, or within any other public property of the City, any equipment or facilities for the distribution of television signals or radio signals or other intelligences either analog or digital over a CATV System or a Broadband Telecommunications Network to any subscriber unless a franchise authorizing the use of the streets or properties or areas has first been obtained pursuant to the provisions of this ordinance, and unless such franchise is in full force and effect.

(2) Specific permission to operate a CATV System or a Broadband Telecommunications Network under the provisions of this ordinance may be granted by the Board of Supervisors after a review of the legal, character, financial, technical qualifications and the adequacy and feasibility.

bility of the Grantee's constructions arrangements, and after the Board of Supervisors of the City and County of San Francisco has approved the Grantee's qualifications as a part of a public proceeding affording due process.

No provision of this ordinance may be deemed or construed as to require the granting of a franchise when in the opinion of the Board of Supervisors it is in the public interest to restrict the number of Grantees to one or more.

(3) Upon filing by the Grantee of the proper acceptance, the bond and the required insurance, the franchise shall take effect as provided in Section G, and shall continue in full force and effect for a term of fifteen (15) years.

(4) Any franchise granted hereunder by the City and County of San Francisco shall be non-exclusive and the City reserves the right to grant a similar franchise to any person, firm, company, corporation, or association at any time.

(5) The scope of any franchise granted hereunder shall be deemed amendable from time to time to allow the Grantee to innovate and implement new services and developments; provided, however, that no such services or developments be implemented without the expressed prior approval of the Board of Supervisors.

(6) No privilege or exemption shall be inferred from the granting of any franchise unless it is specifically prescribed. Nothing in this ordinance shall be deemed to require the granting of a franchise when in the opinion of the Board of Supervisors it would not be in the public interest to do so.

(7) Any franchise granted hereunder shall give to the Grantee the right and privilege to construct, erect, operate, modify, and maintain, in, upon, along, above, over, and under streets, as defined in Section B herein, which have been

or may hereafter be dedicated and open to public use in the City, towers, antennas, poles, cable, electronic equipment, and other network appurtenances necessary for the operation of a CATV System or Broadband Telecommunications Network in the City; subject to City Ordinances governing same.

(8) Any franchise granted hereunder shall be a privilege to be held for the benefit of the public by the Grantee. Said franchise cannot in any event, be sold, transferred, leased, assigned, or disposed of in whole or part, either by forced or voluntary sale, merger, consolidation, mortgage, trust, receivership, or any other means without the prior consent of the City expressed by a resolution of the Board of Supervisors and then only under such conditions as the Board of Supervisors may establish. Such consent shall not be withheld by the City without showing of cause.

(9) A franchise granted hereunder shall be in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled, or exercisable by a Grantee or any successor pertaining to the construction, operation, or maintenance of a cable communications system in the City. The acceptance of a franchise shall operate, as between the Grantee and the City, as an abandonment of any and all of such rights, privileges, powers, immunities, and authorities within the City. All construction, operation, and maintenance by the Grantee of any CATV System in the City shall be under the franchise and not under any other right, privilege, power, immunity, or authority.

(10) The Grantee shall at all times during the life of any franchise granted hereunder be subject to all lawful exercise of the police power by the City and other duly authorized regulatory State and Federal bodies and shall comply with any and all ordinances which the City has adopted or shall adopt applying to the public generally and to other Grantees.

(11) In the event any valid law, rule, or regulation of any governing authority or agency having jurisdiction, including but not limited to the Federal Communications Commission, contravenes the provisions of this ordinance subsequent to its adoption, then the provisions hereof shall be superseded by any such valid law, rule, or regulation to the extent that the provisions hereof are in conflict and contrary to any such law, rule, or regulation.

(12) Any franchise granted hereunder shall not relieve the Grantee of any obligation involved in obtaining pole, or conduit, use agreements from the gas, electric, and the telephone companies, or others maintaining poles or conduits in the streets of the City, whenever the Grantee finds it necessary to make use of said poles or conduits.

(13) Anything contained herein to the contrary notwithstanding, the award of any franchise hereunder shall not impart to the Grantee any right of property in or on City-owned property.

(14) Anything contained herein to the contrary notwithstanding, all provisions of this ordinance and any franchise granted hereto shall be binding upon the Grantee, its successors, leasees, or assignees.

D. Regulation: Jurisdiction and Procedures

(1) The City shall have continuing regulatory jurisdiction and supervision over the operation of any franchise granted hereunder and may from time to time adopt such reasonable rules and regulations as it may deem necessary for the conduct of the business contemplated thereunder.

(2) The continuing regulatory jurisdiction of the City shall be exercised by a new City department and/or agency, the Broadband Telecommunications Regulatory Agency that the City may establish. The agency or department established or appointed to exercise the City's continuing

regulatory jurisdictions shall have the following responsibilities and duties, and such other responsibilities and duties that the Board of Supervisors may assign to it:

- a. To renegotiate the current franchise;
- b. To review the operation and development of cable television in San Francisco;
- c. To review all requests for modification of subscriber rates;
- d. To handle subscriber complaints;
- e. To prepare a Master Plan for the development of telecommunications in San Francisco;
- f. To set technical standards for ensuring overall system performance;
- g. To establish procedures for testing the performance standards and for systematic review every five years;
- h. To develop a record-keeping log book that supports the technical standard and testing procedures;
- i. To establish and enforce penalties for non-compliance with technical and service standards up to and including revocation of the franchise.

(3) *The regulatory procedures and organization of the regulatory agency shall be created at the discretion of the San Francisco Board of Supervisors on or before March 31, 1977. After the negotiation of the current rate increase and re-negotiation of the present franchise agreement to bring it into accordance with this ordinance, the regulatory agency for Broadband Telecommunications should be considered. See Section VII, Rate Regulation, for additional regulatory and policy suggestions.*

(4) The Broadband Telecommunications Regulatory Agency shall serve as an advisory council to the person, groups, corporations, or associations administering the mandated access channels:

a. The Public Access Channel shall be administered by a non-profit corporation established for that purpose; and the Board of Directors of this corporation shall be representative of city-wide cable users and other interested citizens. The duties of this corporation shall include:

i. Ensuring that the Public Access Channel is made available to all residents of San Francisco on a first-come, first-served, non-discriminatory basis;

ii. Ensuring that the Public Access Channel is free of censorship or control over program content of any kind, except for the FCC prohibitions against advertising, political campaigning, lottery information, and obscenity;

iii. Recommending budgeting and staffing for the Public Access Channel to the Broadband Telecommunications Regulatory Agency;

iv. Developing additional sources of revenue, such as grants, auctions, benefit performances, and the like;

v. Developing policy for sharing video production equipment with the administrators of the Educational and Municipal Access Channels;

vi. Performing such other functions relevant to the Public Access Channel as may be appropriate.

b. The Educational Access Channel shall be administered by a non-profit corporation established for that purpose; and the Board of Directors of this corporation shall be representative of the Educational Authorities, community organizations of an educational nature, and other interested citizens. The duties of this corporation shall include:

i. Ensuring that the Educational Access Channel is made available to institutions for public education and other educational interests on a first-come, first-served, non-discriminatory basis; and to aid in the development of educational uses of the channel as it deems appropriate;

ii. Ensuring that the Educational Access Channel is free of censorship or control over program content of any kind;

iii. Recommending budgeting and staffing for the Educational Access Channel to the Broadband Telecommunications Regulatory Agency;

iv. Developing additional sources of revenue, such as grants, auctions, benefit performances, and the like;

v. Developing policy for sharing video production equipment with the administrators of the Municipal and Public Access Channels;

vi. Performing such other functions relevant to the development of uses and programming as may be appropriate.

c. The Municipal Access Channel shall be administered according to the discretion of the Board of Supervisors and uses developed thereof.

(5) The Broadband Telecommunications Regulatory Agency shall review all requests for rate increases, shall hold public hearings, and shall study comparable systems. Discriminatory rates for multiple outlet buildings will be allowed only if the savings is passed on to the customer. Sole authority for the final determination of rates shall be with the Board of Supervisors.

(6) The Broadband Telecommunications Regulatory Agency shall further investigate and make recommendations to the Board of Supervisors concerning innovative and experimental uses of CATV Systems and Broadband Telecommunications Networks for the good of all citizens of San Francisco.

E. Operation of the Franchise

(1) Franchise Specifications

a. The franchise shall be non-exclusive.

b. By 1980, 85% of the households in the City must be passed by Broadband Telecommunications Network, a minimum of 20% each year over the next five years.

c. The franchise area shall include the entire residential area of the City and County of San Francisco except military installations.

d. Zones shall be established consistent with those of the City Planning Department for multi-service centers. The contractor shall provide the technical capacity for closed circuit distributions within these zones.

e. The contractor shall comply with federal, state, and local equal opportunity employment regulations and shall institute an affirmative action program in compliance with the goals and timetables established by the San Francisco Human Rights Commission.

f. The franchise shall contain a section concerning the "state-of-the-art" of cable television, requiring the system to remain current with the technological developments of the industry.

(2) Cable Television Service

a. Basic Service. The cable television system permitted to be installed and operated hereunder shall:

i. Be operationally capable of relaying to subscribers terminals those television and radio broadcast signals for the carriage of which the Grantee is now or hereafter authorized by the Federal Communications Commission;

ii. Be constructed with the potential of two-way digital signal transmission;

iii. Distribute color television signals which it receives in color;

iv. Provide at least one (1) channel, without charge, for exclusive use of the City;

v. Provide at least one (1) channel each for those educational and public access uses as now or hereafter required by the Federal Communications Commission for systems operating in the top 100 markets as set forth in the FCC Rules and Regulations, or, if the FCC removes or relaxes these rules hereafter that the Grantee voluntarily comply with said rules;

vi. Provide one channel for the sole purpose of children's programs;

vii. Incorporate into its facilities the capability for an emergency override audio alert whereby a designee of the City, in time of crisis, may introduce an audio message on all Broadband Telecommunications Network appropriate channels simultaneously. The Grantee shall provide, in a location to be designated by the City, all equipment necessary for use of the emergency alert system;

viii. Provide the minimum of video production equipment as required by the FCC, free for five minutes for public access use, and for a reasonable rate for use by producers using the local origination channel, if there is one, or the access channels;

ix. Have a minimum capacity of 20 channels.

b. Non-Basic Services. The cable television system permitted to be installed and operated hereunder, may also engage in the business of:

i. Transmitting original cablecast programming not received through television broadcast signals;

ii. Transmitting television pictures, film, and videotape programs not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers;

iii. Transmitting and receiving all other signals; digital, voice, and audio-visual.

c. Subscriber Complaints. In addition to other service regulations adopted by the Board of Supervisors, and excepting circumstances beyond the Grantee's control,

such as Acts of God, riots, and civil disturbances, and in providing the foregoing services, the Grantee shall:

- i. Limit system failures to minimum time duration by locating and correcting malfunctioning promptly, but in no event longer than twenty-four (24) hours after occurrence, irrespective of holidays or other non-business hours;
- ii. Upon complaint by a subscriber, the contractor shall respond to all customer service complaints within 36 hours of receiving the complaint. It shall operate an office so that complaints and requests for repairs and service can be received and serviced on a 24-hour basis. A file of complaints and comments shall be available to the Broadband Telecommunications Regulatory Agency;
- iii. Render efficient service, making repairs promptly and interrupting service only for good cause for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by notice given to subscribers twenty-four (24) hours in advance and shall occur during periods of minimum use of the system;
- iv. Maintain an office in the City, which office shall be open during usual business hours, with its telephone listed in directories of the Telephone company serving the City, and be so operated that complaints and requests for repairs or adjustments may be received at any time, day or night;
- v. Maintain a written record or "log"

listing date of customer complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by the Grantee in response thereto; said record shall be kept at Grantee's local office, for a period of five (5) years from the date when the system is first energized or when this ordinance goes into effect, and shall be available for inspection during regular business hours, without further notice or demand, by the Broadband Telecommunications Regulatory Agency.

d. Municipal Service

i. With respect to the local government channel, the Grantee shall provide, at the request of the Broadband Telecommunications Regulatory Agency, and upon City reimbursement of Grantee's actual cost, use of Grantee's studio, equipment and technical services for production of live and videotape municipal programs, subject to scheduling requirements of the Grantee;

ii. With respect to the basic television services, the Grantee shall provide all subscriber services, and a tie-in connection without cost, when the system passes such facilities and as designated by the Board of Supervisors, to:

(a) Public schools, public libraries and branches, and community colleges within the City;

(b) Buildings owned and controlled by the City, used for public purposes and not for residential use (fire and police stations excepted).

e. Compatibility and Connectibility

i. It is the desire of the City that

all cable television systems franchised hereunder shall, insofar as financially and technically possible, be compatible with one another and with systems neighboring the City;

ii. Wherever it is financially and technically possible, the Grantee shall so construct, operate, and modify the system so as to tie the same into all other systems within and neighboring the City.

(3) Other Factors of Cable Operations

a. The Grantee shall maintain and operate its Broadband Telecommunications Network in accordance with the rules and regulations of the Federal Communications Commission, the State of California, and/or the City as are incorporated herein or may be promulgated by those bodies.

b. The Grantee shall have the authority to promulgate such rules, regulations, terms, and conditions governing the conduct of its business as shall be reasonable and necessary to enable the Grantee to exercise its rights and perform its obligations under this ordinance and any franchise granted hereunder:

i. None of such rules, regulations, terms, and conditions promulgated under Subsection (3)b above shall be in conflict with the provisions hereof or the laws of the State, or the rules and regulations of the Federal Communications Commission, or any rules and regulations promulgated by the City in the exercise of their regulatory authority granted hereunder;

ii. Three (3) copies of all rules, regulations, terms, and conditions promulgated under Subsection (3)b above, together with any amendments,

additions, or deletions thereto shall take effect unless and until so filed and maintained.

c. The Grantee shall not require the removal, or offer to remove or provide any inducements for removal of any potential or existing subscriber's antenna as a condition of provision of service.

d. Neither the Grantee during the period of the franchise nor any of its affiliated, subsidiary, parent organizations, officers, directors, or stockholders holding five percent (5%) or more of the outstanding stock of the Grantee, shall within the corporate limits of the City or within ten (10) miles in any direction, directly or indirectly, engage in the retail sale, renting, leasing, or repairing of radio or television receivers or their appurtenances, nor shall they require any subscriber to utilize the services of any specific television and/or radio service business for the repair or maintenance of the subscriber's receivers, either radio or television.

e. The Grantee, upon request from any subscriber, shall install at a reasonable charge therefore, a switching device so as to permit a subscriber to continue to utilize his own television antenna as he chooses.

F. Applications for Franchise

Applications shall be typewritten and shall contain, but not be limited to, the following information:

(1) Nature of the applicant:

a. Name, address, and form of business of the applicant;

b. If applicant is partnership, joint venture, or corporate body, the application shall give names, residence addresses, and occupations of all officers, directors, and holders of 5% or more interest in the venture. The nature of the venture and its corporation status should be described. Articles of incorporation, bylaws, and all agreements for payment to officers and directors in return for their duties under the proposed franchise will be included;

c. A financial statement shall include the amount of funds currently available, specific sources of financing for the system, amounts available, and degree of indebtedness of the applicant along with a list of creditors;

d. The applicant shall describe all other cable television systems currently or previously owned or operated by the applicant or any of its officers. It shall list any media or media-related firms in which the applicant has a financial interest or in which officers, principals, or owners of 5% or more of stock have taken part in management.

(2) Construction of facilities:

a. A detailed map and a timetable indicating the areas of the City to be included in the franchise and the dates by which service will be extended to each area. (Include timetable for submission of applications for all necessary certification and contracts.)

b. The number of households to be passed by the proposed cable service and the ethnic composition of the homes passed. (Approximate figure to the nearest 5,000 homes and nearest 3% of each ethnic group.)

c. The number of street miles to be served

and the percent of street mileage to be installed underground. (Approximate to the nearest 10 miles.)

d. The number and general location of antennae, microwave links, headends, origination points, subdistricts, and studio facilities.

e. The channel capacity for retransmission of broadcast TV signals, TV signals distributed to subscriber, and upstream channels. (See FCC Rules and Regulations, Part 76.5, paragraphs z, aa, bb, cc.)

f. Plans for capability of interconnection with other cable systems.

(3) Information about services to be provided:

a. All types of services to be provided to homes;

b. All types of services to be provided to businesses;

c. Proposed channels and facilities for government, education, and public access, and lease.

(4) Financial operations:

a. Specification of proposed rates for services and those services to be provided for free, if any;

b. A five-year forecast of capital expenses, revenues, operating expenses, depreciation, interest on loans, net income after taxes, cash flow, and rate of return;

c. The proposed duration of the franchise and the franchise fee will be specified.

(5) Policies of the applicant:

a. Application shall include a statement

of any policies in regard to minority employment and patronage of minority owned businesses;

b. Application shall include a statement of policy toward access and equal time for political statements;

c. There shall be a statement of facilities for and policies toward:

i. Any proposed program origination by franchisee;

ii. Access, production, and transmission on any government channel(s);

iii. Access, production, and transmission on any educational channel(s);

iv. Access, production, and transmission on any leased channel(s);

v. Access, production, and transmission of any public access channel(s). (Include procedures for setting schedules, reviewing content, arbitrating disagreements, and guaranteeing non-discriminatory access, and a statement of fees, if any, for use of facilities.)

d. There shall be a statement by the applicant that he will fully comply with all regulations and requirements of the FCC.

(6) Addition information:

a. The applicant shall indicate that he will, upon request, provide such other facts as may be needed to evaluate the application;

b. The applicant may include any additional information, statements of policy, or provisions of a proposed franchise.

(7) There shall be a signed, notarized declaration that the application is true and complete.

G. Franchise Grant Procedure and Renewal

(1) Grant Procedure. The decision to renew shall be made one (1) year prior to the termination of the franchise. If renewal is not indicated, the Broadband Telecommunications Regulatory Agency shall establish procedures for accepting bids. Eighteen (18) months prior to the termination of the current franchise agreement, the Broadband Telecommunications Regulatory Agency shall review service and implement the following policy on renewal or rebid. This decision shall be made on:

- a. The past performance of the contractor;
- b. Technical design and operation;
- c. Programming and additional services;
- d. Management, including fiscal responsibility;
- e. Consumer responsiveness;
- f. Comparability to similar markets;
- g. A presentation to include financial projections on the next franchise period;
- h. Above presentation must include:
 - i. Description of proposed operation;
 - ii. Signal carriage;
 - iii. Special service;
 - iv. Programming assistance;
 - v. Schedule of charges;
 - vi. Company organization;

vii. Ownership analysis;

viii. Intra-company relationships: parent, subsidiary, or affiliated companies;

ix. Financial statement, projections, and support;

x. Technical description and statement;

xi. Report on other contracts or franchises held by same ownership;

xii. Additional information requirements as established by the Broadband Telecommunications Regulatory Agency.

i. Testimony shall be solicited from community groups, public and private institutions in the City and from possible applicants for franchise.

(2) Renewal. A renewal shall result in the implementation of the following procedure: Quinquennial Franchise Review:

a. Within two (2) months of the fifth and tenth anniversaries of the effective date of the franchise to be renewed, the City shall schedule a public meeting or meetings with the contractor to review franchise performance. The City may require the contractor to make available specified records, documents, etc. pertaining to operation in the City;

b. The scope of the contract shall be amendable on the fifth and tenth anniversaries.

H. Franchise Payments

(1) In consideration of the granting and exercise of a franchise to use the streets, as herein

defined, for the operation of a cable television system, any Grantee shall pay to the City, during the life of the franchise the following:

- a. Five percent (5%) of its Gross Annual Basic Subscriber Revenues;
- b. A percentage of its Gross Annual Non-Basic Service Revenues;
- c. A percentage of its Gross Annual Advertising Revenues;
- d. A percentage of its Gross Annual Lease Revenues.

(2) The percentage payments shall be made in the manner, amounts and at times directed in said franchise or in a Board of Supervisors resolution fixing franchise fees and adopting rules for service and rate regulation.

(3) The City shall have the right to inspect the Grantee's revenue records under the franchise and the right of audit and recomputation of any and all amounts payable under this ordinance; the cost of said audit shall be borne by Grantee when the same results in increasing, by more than 2%, the Grantee's annual payment to the City.

(4) No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under this ordinance or for the performance of any other obligation hereunder. (See the Preface to this Ordinance.)

I. Termination of Franchise

(1) Grounds for revocation:

- a. Default in performance of franchise; failure to cure any defaults within 30 days of written notice from the City;

- b. Failure to maintain or provide for performance bonds, liability and indemnification coverages;
- c. Any bankruptcy or insolvency action in which the contractor is filed against;
- d. In the event of receivership, liquidation, or trusteeship for all or part of the contractor's assets;
- e. If the contractor makes an assignment for the benefit of creditors;
- f. In any court of competent jurisdiction, the State, or the FCC determines that any material provision of the ordinance or franchise document is invalid or unenforceable
- g. Any violation by the contractor of any rules issued by any regulatory agency having jurisdiction over the contractor, unless specific sanctions have been imposed;
- h. If the contractor fails to receive and maintain proper federal and state certification where applicable.

(2) Procedure for revocation/termination:

- a. Contractor shall be given ample opportunity for public response to any charges of failure to operate in accordance or failure to achieve renewal.

- b. Purchase by the City:

- i. Contractor shall offer the system to the City at a fair and reasonable price. If no material breach of franchise has occurred, the price shall include the value of the franchise. If the franchise is being involuntarily sold by the contractor because of violation, the good will (value of the franchise) shall not be included;

ii. If a fair price cannot be negotiated or determined, an arbitration panel shall be established. The contractor and the City shall each choose an arbitrator and the arbitrators shall choose a third. The determination shall include the cost of study in revocation including payment for additional staff by the City. The cost of arbitration shall be jointly borne by the City and the contractor;

iii. The City shall have ninety (90) days to exercise right to purchase. If the City does not exercise its option to purchase and the system is not sold, the contractor upon request from the City shall remove its physical plant. However, the City shall not act in an unreasonable manner to refuse to renew or grant an interim franchise during the period in which the franchise is being negotiated;

iv. Lesser sanction:

(a) The Broadband Telecommunications Regulatory Agency shall establish a system of fines for violations not having a specified penalty;

(b) The contractor shall have 30 days within written notification of the violation prior to the imposition of a penalty;

(c) Penalties shall be monetary or a shortening of the franchise period;

(d) No single fine may exceed \$5,000.00 nor a six (6) month reduction;

(e) The contractor shall be required to post performance and construction bonds.

J. Bonds; Indemnifications; Insurance

(1) Performance Bond to City. Upon being granted a franchise, and upon the filing of the acceptance required, the Grantee shall file with the Controller and shall thereafter, annually, during the entire term of such franchise, maintain in full force and effect a corporate surety bond or other adequate surety agreement in such amount and kind as shall have been approved by the City Attorney. The Bond or agreement shall be so conditioned that in the event that Grantee shall fail to comply with any one or more of the provisions of this ordinance or of such franchise, then there shall be recoverable jointly and severally from the principal and surety any damages or loss, or cost suffered or incurred by the City as a result thereof, including attorneys' fees and costs of any action or proceeding, and including the full amount of any compensation, indemnification, cost of removal or abandonment of any property or other cost which may be in default, up to the full principal amount of such bond. Said condition shall be a continuing obligation during the entire term of such franchise and thereafter until Grantee shall have satisfied in full any and all obligations to the City which arise out of or pertain to said franchise. Neither the provisions of this Section, nor any bond accepted by the City pursuant hereto, nor any damages recovered by the City thereunder shall be construed to excuse faithful performance by the Grantee, or limit the liability of the Grantee under any franchise issued pursuant to this ordinance or for damages either to the full amount of the bond, or otherwise.

(2) Performance Bond for Subscribers. Upon being granted a franchise, and upon filing of the acceptance required, the Grantee shall file, annually, with the Controller and shall thereafter during the entire term of such franchise maintain in full force and effect a corporate surety bond, or other adequate surety agreement, in the amount as shall have been approved by the City Attorney.

The bond or agreement shall be so conditioned that in the event such Grantee shall fail to comply with any one or more of the provisions of any agreement or undertaking made between Grantee and any subscriber, then there shall be recoverable jointly or severally from the principal and surety any damages or costs suffered or incurred by any subscriber as a result thereof, including reasonable attorneys' fees and costs of any action or proceeding. Said condition shall be a continuing obligation during the entire term of such franchise and thereafter until Grantee shall have satisfied in full any and all obligations to any subscriber which arise out of or pertain to any such agreement or undertaking.

(3) Hold Harmless Agreement. Grantee shall indemnify and hold harmless the City, its officers, boards, commissions, agents, and employees, against and from any and all claims, demands, causes of actions, actions, suits, proceedings, damages (including but not limited to damages to City property and damages arising out of copyright infringements, and damages arising out of any failure by Grantee to secure consents from owners, authorized distributors or licensees of programs to be delivered by Grantee's cable television system), costs or liabilities (including costs or liabilities of the City with respect to its employees), of every kind and nature whatsoever, including but not limited to damages for injury or death or damage to person or property, and regardless of the merit of any of the same, and against all liability to others, and against any loss, cost, and expense resulting or arising out of any of the same, including any attorney fees, accountant fees, expert witness or consultant fees, court costs, per diem expense, traveling and transportation expense, or other costs or expense arising out of or pertaining to the exercise or the enjoyment of any franchise hereunder by Grantee, or the granting thereof by the City.

(4) Defense of Litigation. Grantee shall at the sole risk and expense of Grantee, upon demand of

the City, made by and through the City Attorney, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative, or otherwise, brought or instituted or had by third persons or duly constituted authorities, against or affecting the City, its officer, boards, commissions, agents, or employees, and arising out of or pertaining to the exercise or the enjoyment of such franchise, or the granting thereof by the City.

Grantee shall pay and satisfy and shall cause to be paid and satisfied any judgment, decree, order, directive, or demand rendered, made or issued against Grantee, the City, its officers, boards, commissions, agents, or employees in any of these premises; and such indemnity shall exist and continue without reference to or limitation by the amount of any bond, policy of insurance, deposit, undertaking or other assurance required hereunder, or otherwise; provided, that neither Grantee nor City shall make or enter into any compromise or settlement of any claim, demand, cause of action, action, suit, or other proceeding, without first obtaining the written consent of the other.

(5) Insurance Required. Upon being granted a franchise, and upon the filing of the acceptance required, the Grantee shall file with the Controller and shall thereafter during the entire term of such franchise maintain in full force and effect at its own cost and expense each of the following policies of insurance:

General Comprehensive Liability Insurance in the amount of \$500,000.00, together with Bodily Injury Liability Insurance in an amount not less than \$300,000.00 for injuries including accidental death, to any one person, and subject to the same limit for each person in an amount not less than \$500,000.00 on account of any one occurrence, and Property Damage Liability Insurance in an amount not less than \$50,000.00 resulting from any one occurrence; provided, however,

as follows:

- a. The City shall be named as an additional insured in any of said insurance policies; and
- b. Where such insurance is provided by a policy which also covers Grantee or any other entity or person, it shall contain the standard cross-liability endorsement.

K. Rights Reserved to City

(1) Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the City to acquire the property of the Grantee, either by purchase or through exercise of the right of eminent domain, at a fair and just value, which shall not include any amount for the franchise itself or for any of the rights or privileges granted, and nothing herein contained shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity, the City's right of eminent domain.

(2) There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any law, and the Grantee, by its acceptance of the franchise, agrees to be bound thereby and to comply with any action or requirements of the City in its exercise of such rights or power, heretofore or hereafter enacted or established.

(3) There is hereby reserved to the City the power to amend any section of this ordinance so as to require additional or greater standards of construction, operation, maintenance or otherwise, on the part of the Grantee to reflect technical and economic changes occurring during the franchise term, and to enable the City and the Grantee to take advantage of new developments in the cable television industry so as to more effectively, efficiently and economically serve the public.

(4) Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the City.

(5) The Board of Supervisors may do all things which are necessary and convenient in the exercise of its jurisdiction under this ordinance and may determine any question of fact which may arise during the existence of any franchise granted hereunder. The chief administrative officer, with the approval of the City attorney, is hereby authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of any Grantee under this ordinance, either on behalf of the City, the Grantee, or any subscriber, in the best interest of the public. Either the Grantee or any member of the public who may be dissatisfied with the decision of the chief administrative officer may appeal the matter to the Board of Supervisors for hearings and determinations. The Board of Supervisors may accept, reject, or modify the decision of the chief administrative officer, and the Board of Supervisors may adjust, settle or compromise any controversy or cancel any charge arising from the operation of the Grantee or from any provision of this ordinance.

L. Construction and Standards of Operation

(1) It is hereby deemed in the public interest that the system be extended as rapidly as possible to all citizens within the City.

(2) The Grantee shall construct a complete cable communication system in accordance with the system design. The system construction includes but is not limited to:

- a. Central and satellite headends for signal distribution;
- b. Trunk and feeder cables and associated devices for signal reception;

c. Service outlets, connections, and any special devices for reception or transmission of signals from users to headends;

d. Linkages to other cable systems, remote origination points, and program and service production facilities;

e. Program and service production facilities;

f. Such other facilities as may be required in the system design for the City educational, public, or other users as the contract specifies;

g. Development of maintenance guide and check lists specific to the equipment, facilities, and other installed physical plant;

h. Schedule for completion of contract by specific portion of the City in accordance with the priorities of the system design;

i. If the existing cable operator is granted the operating franchise, the Grantee must proceed equitably and reasonably to complete the system within a specified length of time.

ii. That the system shall be completed at the rate of twenty percent (20%) of the residential portions of the City per year from the effective date of the franchise (i.e., by 1980).

iii. That failure to comply with the equitable and reasonable completion of the system shall cause the operator to show justification and cause or suffer penalties.

iv. That failure to comply shall activate penalties according to a specific schedule of fines and other penalties up to and including revocation of the franchise.

i. Perform such other contractual requirements as the City and the Grantee may agree by negotiation including secondary obligations for the maintenance and operation of the system.

(3) The Grantee shall construct a complete cable communication system in accordance with existing City rules, regulations, and ordinances regarding the use of public streets and property, underground construction, pole attachments, use of conduits, and the like;

(4) The Grantee shall strictly adhere to all building and zoning, electrical and safety codes currently or hereafter in force in the City. The Grantee shall arrange its line, cables, and other appurtenances, on both public and private property, in such a manner as to cause no unreasonable interference with the use of said public or private property by any person. In the event of such interference, the City may require removal of the Grantee's line, cables, and appurtenances from the property in question;

(5) That no owner of property in the City shall obstruct, prevent, or forbid access to the Grantee to construct on his property;

(6) All equipment shall be new and unused and the total system shall contain no factory rebuilt or refurbished components. This shall not be construed as a prohibition against the use or integration of existing telecommunications equipment and facilities already in operation, when such shall not materially degrade the performance standards for the system;

(7) The Grantee shall maintain the complete cable communication system in accordance with the system design. The system maintenance shall include but not be limited to:

a. Maintain all physical plant constructed, leased, or otherwise used for the exclusive purposes of the CATV System or Broadband Telecommunications Network.

b. Perform limited construction or repair of damaged or otherwise inoperative plant on an emergency basis.

c. Act as agent for cable system to obtain additional maintenance construction, or other technical support when system failure exceeds the regular maintenance capability required by the system design.

d. Perform annual plant survey, periodic performance test, and such other scheduled tests specified by the system design.

e. Perform such other contractual requirements as the City and the Grantee may agree by negotiation including a secondary obligation for any subsequent Grantee to which a portion or all of the contract may later be awarded, transferred, or assigned.

(8) The Grantee shall prepare and submit, by March 31 of each year, a complete survey of its plant and a full report to the City;

(9) The Annual Report shall be presented at a public hearing, to be held no earlier than ten (10) days following the submission of the report nor later than thirty (30) days thereafter. At which hearing, the Grantee shall summarize the contents of the report, and the City, other system contractors and the general public may comment thereon;

(10) The Grantee shall keep and maintain all parts of the cable communication system in good condition throughout the entire period of the contract;

(11) The Grantee shall be required to post a performance bond to guarantee continuity of operation in the face of violation or default of the franchise.

M. Standards of Service Performance

(1) The Grantee shall operate the transmission delivery element of the cable communication system

in accordance with the system design. The operation-transmission contract shall include but not be limited to:

- a. Twenty (20) channel capacity;
 - b. Capable of continuous twenty-four (24) hour daily operation;
 - c. Operated in such a manner as to avoid causing interference with reception of off-the-air signals by non-subscribers to the cable system;
 - d. Designed, installed, and operated so as to assure the delivery to all subscribers of standard color and monochrome signals on the FCC-designated Class I cable television channels without noticeable picture degradation or visible evidence of color distortion or other forms of interference directly attributable to the performance of the Broadband Telecommunications Network;
 - e. Designed, installed, and operated so as to comply with all applicable rules and regulations promulgated by FCC;
- (2) Proposed specifications for FCC designated Class II, III, and IV channels shall be submitted by the Grantee to and approved by the City as the use of these channels is implemented;
- (3) Interconnect with such other cable systems for specific channels, programs, or services in compliance with contractual obligations designed at the franchise;
- (4) Test procedures used in verification of the performance criteria set forth herein shall be in accordance with good engineering practice. Test procedures (spelled out) are designed as a guide and should be made under conditions which reflect system performance during normal system operations. As there is more than one technically acceptable method for performing many of the measurements, the technique and equipment

utilized in each case if different from those set forth shall be fully described in the annual certificate filed with the City;

(5) All measurements shall be made from the headend of the cable system to at least three (3) subscriber locations, at least two (2) of which shall be "worst case" locations (system extremities);

(6) The City reserves the right to require additional tests at the specific terminal locations and conduct its own inspections of the CATV system on its own motion at any time during normal business hours with reasonable advance notice;

(7) To the extent that the report of measurements as required above may be combined with any reports of measurements required by the FCC or other regulatory agencies, the City shall accept such combined reports, provided all standards and measurements herein or hereafter established by the City are satisfied;

(8) The Grantee shall see that the following channels be provided:

a. Public Access Channel, and associated production equipment and necessary production assistance to be made available for the first five (5) minutes of live production to the public at no charge on a first-come, first-served, non-discriminatory basis. The Grantee shall regularly make information available to the public on the availability of the access channel;

b. The Grantee shall, in addition to the Public Access Channel, provide two (2) additional channels, one for educational use and one for governmental use. For the first five (5) years from the date these channels are made available there shall be no charge made to their users by the Grantee, and thereafter at no charge unless specifically prohibited by FCC regulations or, if not permitted, in accordance with the schedule of charges filed and maintained with

the Clerk of the Board of Supervisors and the Broadband Telecommunications Regulatory Agency and approved by the Board of Supervisors;

c. The Grantee shall in addition provide at least one (1) leased access channel available with preference given to non-commercial, part-time users;

d. The Grantee shall carry those television broadcast signals which are in accordance with Part 76, Section 76.63 of the FCC Rules and Regulations. If additional broadcast signals are carried, additional non-broadcast channels in equal number shall be activated;

e. In addition to the television signals set forth in the above section, the Grantee shall carry as a minimum the FM radio stations whose normal broadcast ranges fall within the City limits. If the Grantee elects to carry an AM radio station, all AM stations licensed to the Cities in the Bay Area must therefore be carried;

f. The Grantee shall provide Time and Weather programming;

g. The Grantee may, at his option, operate a local origination channel. If he elects not to do so, however, minimum production equipment as mandated by the FCC shall be maintained for use by those citizens of San Francisco who wish to produce such programming at a reasonable rate;

h. Since access to cable television by the public is of great interest to the City, applicants for a franchise may indicate a greater number of channels or a greater amount of production equipment for free usage than the minimums set forth; however, such proposals shall describe the particular community needs anticipated to be served

thereby and shall detail, as part of the financial projection and support required by the franchise application procedure.

N. Unauthorized Connections or Modifications

(1) It shall be unlawful for any person, group, company, etc. to make any connection, extension, division, whether physically, inductively, electronically, or otherwise with or to any segment of a franchised CATV system for any purpose whatsoever;

(2) Removal or destruction of franchised CATV system equipment is prohibited;

(3) There shall be penalties for violation;

(4) Simple disconnection of television terminals shall be permitted.

O. Preferential or Discriminatory Practices Prohibited

(1) The Grantee shall file an affirmative action program with the City in compliance with local, state, and federal employment practice programs;

(2) The Grantee shall make services equally available;

(3) The Grantee shall maintain fairness of accessibility.

P. Subscriber Privacy - Consumer Rights

(1) The monitoring of any terminal (television receiver) connected to the system without specific written authorization of the subscriber and/or user of the terminal is prohibited. The violation of subscriber or user privacy shall be a felony;

(2) Subscriber and/or user lists may not be sold without the specific written authorization of the individual subscriber and/or user;

(3) All service standards must be met and bills pro-rated when signal strength is not standard;

(4) The Grantee shall be required to notify by mail all subscribers of any change in policy directly affecting them; e.g., rate changes, additional service charges, and wiring changes. There shall be a procedure for recording comments and making them available to the Broadband Telecommunications Regulatory Agency.

Q. Ownership

(1) The Grantee may not own any newspaper, broadcasting outlet, or programming facility operating in the San Francisco market;

(2) No contract for operation of a Broadband Telecommunications Network shall be transferred (sold) without prior consent of the Broadband Telecommunications Regulatory Agency. This includes transfers of stock. Any transfer resulting in a change of 25% or more of the ownership shall give the City the right to review the ownership and take appropriate action;

(3) At such time as the community is fully wired and the capacity of the system is expanded, the designation of the cable television plant as a common carrier should be considered.

VII. RATE REGULATION

- A. Rate Policy
- B. Additional Considerations
for a Cable Policy
- C. Rate Regulatory Procedures
- D. The Future of Cable Television
- E. Rates in Selected Cities

VII. RATE REGULATION

A. Rate Policy

The Federal Communications Commission rules for cable television established the right and the duty of the local franchising authority to approve subscriber rates without, however, formulating guidelines to do so. Cable is a hybrid industry combining elements of a utility, public service, entertainment, commercial enterprises (pay-tv, advertising, data transmission), and regulated private business. The industry, feeling the current economic pinch, is requesting subscriber rate increases all across the country. In the case of Santa Maria, California, when the local authority arbitrarily determined a rate schedule and refused to grant an increase, the cable company sued on the issue of due process.

According to correspondence received from Harold Horn, the Deputy Director of the Cable Television Information Center in Washington, D.C., the cable industry is making "an effort to document a view that local rate regulatory activity is frustrating the national development of cable; that rates for a service such as cable should only be established in the 'open marketplace'; and that

local governments are not equipped to review cable system rates evenhandedly, intelligently, or fairly." (Letter dated August 8, 1975)

In light of these developments, the Task Force urges the Board of Supervisors to establish policy and a methodology by which rates can be regulated henceforth, rather than respond to each request from a different philosophical standpoint.

One problem of cable television is the City's attitude toward it. The Task Force considers the development and growth of the industry and its attendant services as important, inevitable, and beneficial to the City. The rate structure should accommodate cable television development as well as provide cable service to subscribers at a reasonable, affordable rate.

Another problem is the definition of cable television in relation to the City's regulatory structure, e.g., to view it as a private industry, a utility, or some new type of business combining elements of both.

(1) Regulated Industry with Public Responsibility

Cable television operates under a franchise agreement and is regulated by ordinance. Cable could be treated as other franchise industries in the City, e.g., taxis, garbage collection, etc. We

suggest looking at the private housing industry, where the federal government subsidizes rents, as a rate model formula. A similar methodology could be developed for cable service, with a strong consumer protection clause to ensure the subscribers are getting what they pay for.

(2) Private Industry--Free Marketplace Regulation

This approach essentially allows the cable company to determine its own subscriber rate schedule, subject to approval of the Board of Supervisors after examination of the evidence submitted by the company. The burden of proof for refusing the increase would be on the City. If the company priced itself out of the market, the franchise could be offered for rebidding.

In such a case, the Board of Supervisors should establish a uniform system of accounts and require operating companies to keep separate and audited books for the San Francisco corporation, if part of a larger company (as our current franchisee is). Also, definitions of allowable costs need clear articulation, in order to attribute to the local subscriber the costs of operation in a particular community, and not allow completed/profitable systems to subsidize new systems or corporate growth. In other words, the 40,000

subscribers in San Francisco should not have to pay the entire cost of the completion of the wiring of the rest of the City or the building of systems elsewhere.

(3) Cable Television as a Utility

The trend nationally has been to adopt a standard utility regulation format for the regulation of cable television because it is the most readily available model. San Francisco's City Attorney has indicated that he favors using a telephone company model, based on the rationale of the capital investment ratio and the similarity of operation. Those elements of cable operations which do not conform to the telephone model are thus ignored.

Second, is the subscriber rate to be a guarantee of profit, and if so, how much? What is a fair rate of return? What are the allowable items of operation to be charged to the citizens of San Francisco? What format for establishing the rate of return would be followed?

Third, the cable companies assert that utility-type regulation would limit the rate of return, and a large part of venture capital needed to complete their systems would then be lost.

The Task Force has recommended that consideration be given to cable television as a common carrier in the future; however, at the present time such a move seems premature. A new rate model needs to be developed for cable television, one which will take all aspects of the operation into account. Reception of television signals can hardly be deemed a necessity, and reception of the additional services cable can offer which may become essential to the public in the future are not currently available.

(4) Subsidized Service

In the interest of providing service to its citizens, the City could consider the possibility of establishing a rate schedule which is subsidized for fixed low-income groups. In this way, the cable company could gain more subscribers while the subsidy helped keep rates down. If the City undertook the subsidy, it would require the City's active searching for federal and grant subsidies for the development of cable and require a large investment in staff time and City money. If the cable company paid it, the amount of subsidy would be taken out of the franchise fee. Subsidized rates will perhaps be a necessity in the future when essential City services are provided via cable but do not seem crucial at the present time.

All of the above considerations are offered with the hope of aiding the development of a consistent and fair process by which cable television subscriber rates are regulated in San Francisco. Whichever model the City decides to adopt, that method should reflect an overall policy toward the development and operation of cable television in the City.

B. Additional Considerations for a Cable Policy

(1) Access to Capacity

The regulatory position of the City should set policy to protect the concept of access to the capacity of the resource represented by cable television. In the next decade of development the interest will be in the utilization of infinite numbers of channels. This resource is currently untapped but the potential is inherent in the system.

(2) Consumer Protection

The City's Cable Policy and Rate Regulation should adopt stringent consumer protection regulations to ensure clear signal reception, minimum interruptions, free use of channels when available, prompt repair service and response to complaints, and reasonable rates for service. In addition, subscriber privacy must be protected both from unau-

thorized use of subscriber lists and two-way monitoring devices.

(3) The City may establish as part of the negotiations for the rate increase the right to regulate lease channels (Recommendations 41-44).

(4) The City may establish as part of the negotiations for the rate increase the right to include non-subscriber revenues in the rate base determination and the franchise fee calculations. This represents an attempt to isolate the true source of income for the company and tax it accordingly. The Task Force has recommended that the City try to retain its current 5% franchise fee (Rec.27) despite the federal guideline of 3%; here we suggest that the City assert its authority to determine rates and fees on the basis of all the company's revenues, if it so chooses.

C. Rate Regulatory Procedure

(1) The regulatory agency should conduct public hearings on its rules regarding cable television, and further, conduct public hearings on any proposed rate increase, preferably at an evening hour in a publically accessible location. All documents should be available to the public and efforts to solicit public comments should be made.

(2) A procedure for the adoption of the rate in-

crease should include notification of the customers, who would be given ample opportunity to disconnect without penalty.

(3) Rate regulation should include the stipulation that customers' bills should be prorated for times when all cable service is interrupted for more than 48 hours, barring natural catastrophes and the like.

(4) As a final step, a formula should be developed to provide that when non-subscriber revenues reached a certain percentage of the total income of the company, subscriber rates would either decrease or become stabilized.

D. The Future of Cable Television

The Task Force recognizes the unique nature of this new industry and realizes that large capital investments are needed to plan and build a system. We also recognize the enormous profit potential of cable television once the construction is completed. We trust the Board of Supervisors will attune its regulatory procedures to the nuances of the industry's growth and establish practices which will allow rapid expansion without unduly burdening the present subscribers. Striking the perfect balance was beyond the ken of the Task Force; however, we hope these

suggestions and options will be seriously considered in the rate and franchise negotiations. Regulating cable television is an enormously complex issue; the groundwork for a sound cable policy needs to be done now to ensure the orderly, equitable, and beneficial development and use of the system.

E. Rates in Selected Cities

The following chart presents a comparison of cable rates in selected California cities. The cities included were chosen because of the similarity of the number of cable subscribers.

NEW RATES APPROVED IN 1974-5 BY SELECTED CALIFORNIA CITIES & COUNTIES

	<u>San Diego</u>	<u>Los Angeles</u>	<u>San Jose</u>	<u>San Francisco</u> (requested)	<u>San Francisco</u> (actual)
Basic Service	\$6.50	N/A	\$5.95	NONE	NONE
20+ Channel Service	7.50	\$6.95	6.95	\$9.00	\$6.25
Additional Outlet (\$/Mo)	1.75	1.50	1.50	3.00	2.50
Connection Charge (1 Outlet)	12.50	10.00	15.00	35.00	25.00
Additional Outlet Connection	7.50	10.00	10.00	30.00	25.00
Reconnections	5.50	10.00	10.00	15.00	10.00
Inside Relocation	5.50	10.00	10.00	20.00	15.00
Inside Line Extensions	7.50	N/A	N/A	15.00	10.00
Equipment (Converter) Charge	12.00 Deposit	1.50 Per Mo.	NONE	NONE	NONE

No. of Subscribers	23,732	42,628	38,000	37,982	Same
Revenues	\$1.9m	\$3.4m	N/A	\$2.8m	Same
Expenses	2.3m	5.2m	N/A	3.1m	Same
Rate Base	4.9m	N/A	N/A	N/A	Same
Rate of Return	(8.9%)	N/A	N/A	N/A	Same

SUPPLEMENTS

LIST OF APPENDICES

- I. CATV Task Force Membership
CATV Task Force Committee Membership
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- III. Survey of Municipal Video and Cable Uses
Survey of Municipal Video Equipment
- IV. Bay Area Video Producers
- V. Model Public Access Center
Community Action Television Programs
- VI. Educational Access Cable Television Corporation,
Articles, and Exhibits
- VII. Funding Sources for Cable Projects
- VIII. Cable Complaints Received by the Task Force

APPENDIX I

August 6, 1973 Board of Supervisors action appointed
as individuals:

Josephine Daly
N. Arden Danekas
Terence Faulkner
Naomi T. Gray
Miriam Goodman
Natan Katzman
Linda Marquez
Paul J. Mundie
Eve Reingold
Flora Torrano
H.K. Wong

as an entity:

Roberto Esteves

as selections from nominations submitted by
interested community organizations:

John Arnott (All Peoples' Coalition)
Mary Davis (San Francisco PTA)
Franz Glen (San Francisco Labor Council)
Michael McGill (SPUR)

December 10, 1973:	H.K. Wong resigned
April 23, 1974:	Linda Marquez resigned
June 12, 1974:	Alfred Gee appointed to replace H.K. Wong
June 14, 1974:	N. Arden Danekas resigned
June 18, 1974:	Naomi T. Gray resigned
June 18, 1974:	Michael McGill resigned
July 24, 1974:	Harvey H. Hukari appointed to replace N. Arden Danekas
July 29, 1974:	James G. Fussell, Jr. appointed to replace Michael McGill
October 7, 1974:	Lorilyn Simkins appointed to replace Naomi T. Gray

APPENDIX I (Continued)

November 7, 1974:	Franz Glen resigned
December 11, 1974:	Paul J. Mundie resigned
January 3, 1975:	Juan J. Pifarré appointed to replace Linda Marquez
January 13, 1975:	Ellen M. Roberts appointed to replace Paul J. Mundie
January 16, 1975:	James G. Fussell, Jr. resigned
January 28, 1975:	Alfred Gee resigned
February 3, 1975:	Thomas Rauh appointed to replace James G. Fussell, Jr.
March 1, 1975:	John Arnott inactive in accord with Task Force bylaws
March 1, 1975:	Eve Reingold inactive in accord with Task Force bylaws
April 28, 1975:	Nancy Jane Koch appointed to replace Alfred Gee

COMMITTEE MEMBERSHIP

Municipal Access Committee

Active members and participating individuals/
organizations

Roberto Esteves (Chair), California Video Resource
Project, San Francisco Public Library
Elizabeth Avery, Record Center
Joseph Balzer, Civic Auditorium
Julian Bardoff, San Francisco Water Department
Bay Area Reference Center, San Francisco Public
Library
Arthur S. Becker, Parking Authority of San Francisco
John Brooks, Fire Department Training Division
John E. Brunner, San Francisco Police Department
Kenneth W. Bryan, Department of Social Services
George Canellos, Department of Electricity
Leon Del Grande, San Francisco Unified School District
Steve Dykes, CAO Office
Gary Eberling, Department of Social Services

APPENDIX I (Continued)

Joan Ellison, Art Commission
Mario Evangelista, Human Rights Commission
Robert Fisher, San Francisco Water Department
M.F. Gates, San Francisco Water Department
Nancy Gin, San Francisco City Planning
Betty Lim Guimaraes, Manpower Planning
W.D. Hanson, Airports Commission
Ed Joyce, Emergency Services
Gary Karasik, Public Utilities Commission
James King, San Francisco Fire Department
Charles H. Lee, San Francisco Fire Department
Henry Leff, City College of San Francisco
Michael Lerner, deYoung Museum of Art School
Robert C. Levy, Department of Public Works
Vickie Mathews, Department of Public Health
B. Mattox, Board of Permit Appeals
Chuck Mills, M.H. deYoung Museum
Josie Mooney-Chu, CORO Foundation
Jack Morrison
Eric Neighbor, San Francisco General Hospital
Kenneth Nielsen, Unified School District
Toyoo Nitake, Municipal Railway
Patrick J. Phillips, Hetch Hetchy
Thomas K. Seligman, Fine Arts Museum
L. Smookler, Department of Public Health
Capt. Sully, San Francisco Police Department
Donald Taggart, San Francisco Port Commission
Hal Waterman, Municipal Railway
Robert Whyte, San Francisco Museum of Art
Mort Wistosky, San Francisco General Hospital

Public Access Committee

Active members

Harvey H. Hukari (Chair)
Alan Babbitt
Don Cotton
Andy Plessner

Participants and interested individuals/ organizations

ABLE
Acorn Community Television
Larry Adleman
Archdiocesan Communications Center

APPENDIX I (Continued)

Thomas Banks, Educational TV Center, UC Medical Center
The Barbar Organization
Bill Bates, Retina Circus
Bay Area Urban League
Bay Cablevision
Fred Beeman, Sonoma County Community TV
Carolyn Smith Biesiadecki, SF Community College District
Jim Buffalo, NAP
Chinese Media Committee, Chinese for Affirmative Action
Ronald Cohen, Russian River Community Video
Community Coalition for Media Change
Concord TV Cable
Focus Cable
Lou Gage
Flora I. Gilford, Black Women Organized for Action
Haight-Ashbury Community Radio
Grady Hester, Pacifica Cable Company
Kim Hetherington, Viacom, Community Relations Director
David Lyzinski, LVO Cable, Hayward
Marin Community Video
Keith Matthews, Mission Coalition
Harvey Milk, Castro Camera
Multi-Culture Institute
Richard Nicolopolulos, Instructional Media, U of San Francisco
Carol Nyhoff
Quantum Communications
Don Roman, KQED Open Studio
Mikio Shigematsu
John Slade, Blacks in the Media for Affirmative Action
Scott Swearingen, LVO Cable, Hayward
Peter Takeuchi, Media Center, Lone Mountain College
Unicorn Ashram
Jeff Ullman
Berry Verdi, Gill Cable, San Jose

Educational Access Committee

Terence Faulkner (Chair)
Seena Alenick
Carole Brown
Patrick Fitzgerald
Joan Irwin
Terence Lee
Michael Sales
Anne Sessoms
Fred Simmons
Betty Tainter
George Tainter

APPENDIX I (Continued)

Flora Torrano
Dwight Tripp, III
Max Woods

Children's TV Committee

Mary Davis (Chair), San Francisco PTA
Seena Alenick
Carole Brown
J.C. Bruce, San Francisco Chronicle
Alice Bryant, San Francisco PTA
John Crabbe, Telecommunications Consultant
Legislative Group, Sacramento
Sarah Dunn, Motion Picture and TV Council
Elizabeth M. Frandsen
Mark Fulmer, KRON-TV
Rosemary Gleason, Motion Picture and TV Council
Mary Hehir, Catholic Mothers Group
Pat Langdell, California PTA, San Francisco PTA
Lori Lipton
Dwayne McDowell, Boy Scouts
Bonnie E. Engel, Public Eye, Inc.
Arch Monson
Effie Lee Morris, Children's Services, Public Library
Paul J. Mundie, Action For Children's TV (ACT)
Ken Nielsen, KALW, Unified School District
Ted Samuel, KALW, Unified School District
Fred Simmons, Educational Access Cable TV Corporation
Lawrence Smithey, Haight-Ashbury Young Peoples Arts
Workshop (HAYPAW)
Dr. Arlene Mann, March of Dimes, San Francisco PTA
Irma Thomas, Mental Health Association, California
PTA, San Francisco PTA
Flora Torrano
Sally Williams, Action For Children's TV (ACT),
Committee For Children's TV (CCT)
Shannon Yip, Chinese for Affirmative Action

Franchise Committee

Natan Katzman (Chair)
John Arnott
Paul J. Mundie
Juan J. Pifarré
Eve Reingold
Lorilyn Simkins
Terence Faulkner

APPENDIX I (Continued)

Policy Committee

Ellen M. Roberts (Chair)

Bonnie E. Engel

Roberto Esteves

Fred Hill

Michele McCoskey

Thomas Rauh

Judy Trice

APPENDIX II

Resolutions and Activities of the Task Force

October 25, 1973: Address to the Task Force by Harold Horn, Cable Television Information Center, Washington, DC.

November 1, 1973: Address to the Task Force by Gil Boreman, CAO Office, concerning legal and budget questions relating to 5% City tax on cable company.

November 1, 1973: Address to the Task Force by Red Burns, New York University, regarding Public Access.

November 8, 1973: Letters sent to Linda Marquez, Franz Glen, and H.K. Wong concerning attendance of Task Force meetings by Josephine Daly, Task Force Chair.

November 13, 1973: Personal presentation (and letter) to the Board of Supervisors in favor of the revocation of the Western Franchise.

November 13, 1973: Report to the Board of Supervisors in response to resolution 636-73 requesting an investigation of the possibilities of extending cable service to those areas blacked out by the Mt. Sutro Tower.

January 10, 1974: Task Force bylaws accepted.

January 10, 1974: Mr. Mialocq, Board of Supervisors budget staff, discussed the Task Force budget request.

March 14, 1974: Task Force resolution supporting the Educational Access Committee's being a non-profit corporation to work with Television Signal Corporation in making time available on an educational access cable TV channel soon to be established.

APPENDIX II (Continued)

- March 21, 1974: "Information to be Included in an Application for a Cable TV Franchise" prepared by the Task Force Franchise Committee sent to the Board of Supervisors in response to a request by the Latino Local Development San Francisco Cable TV Corporation.
- April 11, 1974: The Task Force received copies of the Equitable Wiring Bill construction plans.
- May 9, 1974: "Survey of Municipal Video Equipment" prepared by the Task Force Municipal Access Committee.
- June 20, 1974: Educational Access Cable Channel 8 opened.
- July 2, 1974: Report to the Board of Supervisors on the meeting between Highland Hills Improvement Association and Television Signal Corporation concerning the blackout of television reception in the Mt. Davidson area.
- August, 1974: Staff hired.
- October 10, 1974: Six-month Status Report of Television Signal Corporation equitable wiring plan submitted.
- October 10, 1974: "Progress Report to the Board of Supervisors", prepared by staff, submitted.
- October 18, 1974: "History of CATV in San Francisco", prepared by staff, submitted to Mayor Alioto.
- December 12, 1974: Report to the Task Force on the California Community Television Association convention by Bonnie Engel and Roberto Esteves.
- February 14, 1975: Address to the Task Force by David Kinley, Chairman of the Cable Bureau of Federal Communications Commission.
- February 14, 1975: Task Force resolution to include a solicitation for public comment on the Television Signal Corporation bill to subscribers.

APPENDIX II (Continued)

March 13, 1975: Task Force resolution to urge Television Signal Corporation to cablecast KVOF.

March 13, 1975: Task Force resolution to request the Human Rights Commission to investigate the hiring practices of Television Signal Corporation.

March, 1974: Request by Ellen Roberts, Roberto Esteves, and Bonnie Engel for additional information concerning rate increase from Television Signal Corp.

April 19, 1975: Roberto Esteves and Bonnie Engel met with Steve Effros, legal counsel to the Cable Bureau of the Federal Communications Commission.

May 9, 1975: Status Report of the Television Signal Corporation equitable wiring plan.

June 3, 1975: Letters to the *Examiner* and *Chronicle* requesting that the cable schedule be published.

June 23, 1975: Roberto Esteves, Bonnie Engel, Mary Davis, and Harvey Hukari represented the Task Force on a one-hour, color program cablecast by Community Action Television, Channel 6.

July 17, 1975: The Task Force held a public hearing on the rate increase at the Winfield Scott School in the Marina.

July 23, 1975: The Task Force held a public hearing on the rate increase at the League of United Latino-American Citizens (LULAC) in the Mission.

July 30, 1975: Final draft of *Cable and the Community* distributed to the Board of Supervisors.

September 30, 1975: CATV Task Force report, *Cable and the Community*, submitted to the Board of Supervisors.

APPENDIX III

Survey of Cable and Video Uses

OFFICE OF THE MAYOR

Cable Uses: Live citizen addresses; Mayor's questions and answers; community information about City agencies and departments and budget preparation.

Video Uses: Speak to all school children; lessons in civics by Mayor; form tape communication throughout Bay Area; access to video information.

OFFICE OF MANPOWER

Cable Uses: Current job listings; courses on car repair, accounting, etc. for high school/college credit; community information; job development; notice of training programs.

Video Uses: On-job training; interview, self-image, rehabilitation, drug/alcohol abuse; personnel training.

MODEL CITIES

Cable Uses: Community meetings (live or taped); project information; profiles on neighborhoods; Victorian restoration.

Video Uses: In-service training of personnel; as a community organizing tool; library of community and neighborhood produced tapes.

CRIMINAL JUSTICE COUNCIL

Cable Uses: Explanation of criminal law; juvenile law; citizen's rights.

Video Uses: Rehabilitation programs; drug and alcohol abuse and rehabilitation; Youth Guidance Center.

BOARD OF SUPERVISORS

Cable Uses: Board and committee meetings; public hearings; question & answer with public; community information; Board calendar, special notices, activities; Board can address the citizens directly; community service programs; explanation of Board activities and procedures;

APPENDIX III (Continued)

BOARD OF SUPERVISORS (Continued)

Cable Uses: Retransmission of Board sessions during evening hours.

Video Uses: In-house training of clerks and aides; records of meetings, conferences, discussions; City Hall inter-office communication, e.g. CAO, Controller; collection of public opinion via "beef box" format; Board archives; testimony in public hearings.

ASSESSOR

Cable Uses: Public information on assessment methods and processes; what the property owner needs to know; municipal codes.

Video Uses: Standardization of assessment criteria to insure fairness in assessments; assessor training.

CITY ATTORNEY

Cable Uses: Inform citizens of local laws, e.g. cable law, franchise.

Video Uses: Continuous in-house education; playback of Continuing Education for the Bar tapes.

COMMUNITY COLLEGE BOARD

Cable Uses: Information on programs, adult education, special course requirements, etc.; courses for home-bound students and adults.

Video Uses: Records of meetings; archives; student education; student training; education in video use.

DISTRICT ATTORNEY

Cable Uses: Monthly crime reports; instant public information on strange or bizarre crimes; instant replay of crimes committed under video cameras; public information on role of D.A. and various legal services.

Video Uses: Depositions of witnesses; expert witness tapes; D.A. training, e.g. Continuing Education for the Bar tapes.

APPENDIX III (Continued)

BOARD OF EDUCATION

Cable Uses: All meetings; explain policy to public; tour of schools; information on school budget, problems, and curriculum.

Video Uses: Record of meetings; curriculum development; Riles Commission communication.

PUBLIC DEFENDER

Cable Uses: Citizen's rights; legal information; information on legal services and advice; municipal laws regarding cars, pets, tenants' rights, etc.

Video Uses: Depositions; expert witness.

SHERIFF'S OFFICE (See Police)

Cable Uses: Prisoner gripes; prisoner conditions.

Video Uses: Prisoner rehabilitation.

COURTS

Cable Uses: Jury service; cablecast trials, hearings, sentences, etc.; Small Claims Court.

Video Uses: Establish video precedents; depositions; Traffic Court.

COMMISSION ON AGING

Cable Uses: Service information for the elderly; City health care; special programs.

Video Uses: Records of meetings; access to other cities' solutions; programs on aged.

AIRPORT COMMISSION

Cable Uses: Meetings; land use; tour of facility; traffic reports; public service announcements/happenings.

Video Uses: Security; archives; service personnel training; airport traffic control.

APPENDIX III (Continued)

ART COMMISSION

Cable Uses: Public meetings; projects information; sponsor art shows; beautification information programs; cablecasting concerts; explanation of Muralist Program; gallery calendar: Capricorn Asunder; coverage of SF Arts Festival; community performing arts programs from community cultural centers.

Video Uses: Meeting archives; information to and among Commission members; documentation of art exhibits; performing arts workshop; document art skills and processes.

PLANNING DEPARTMENT

Cable Uses: Meetings; City growth; community development; advocacy program; land use; environmental studies; proposal presentation.

Video Uses: Presentation of information to Planning Department; visual records of geography, topography, and cityscape; in-service training of planners; community dialog: what neighborhoods want and can do.

CIVIL SERVICE

Cable Uses: Job announcements; information of civil structure.

Video Uses: Testing/interviews; systems analysis; rules and regulations for all departments.

EMERGENCY SERVICES

Cable Uses: Back-up communication system; community education on earthquake procedures.

Video Uses: Staff training.

FIRE COMMISSION AND DEPARTMENT

Cable Uses: Public education on fire prevention; fire laws; fire fighting: "What to do in case of..."; fire/health related problems; public announcements; how to summon fire department; fire in case of earthquake; emergency information.

APPENDIX III (Continued)

FIRE COMMISSION AND DEPARTMENT (Continued)

Video Uses: Programs for bi-lingual and bi-cultural, elderly, plant, and hospital education; train investigators; train fire fighters; special equipment; high-rise fires.

HEALTH SERVICE I. PUBLIC HEALTH PROGRAMS

Cable Uses: Education on existing City and private programs; specific disease information, e.g. V.D.; public health information, e.g. nutrition, child care.

Video Uses: Meetings of boards and committees; archives; developmental.

II. HOSPITALS

Cable Uses: Outpatient programs; clinics/emergency care (live); pregnancy/abortion family planning; cancer warnings, etc.

Video Uses: Patient/staff; patient/doctor; health information; surgery; continuing medical education; videotape library; inter-agency communication.

III. MENTAL HEALTH

Cable Uses: Public education on the retarded; Advisory Board meetings; MH education.

Video Uses: Training in social skills for patients; feedback to individuals and family in psychotherapy; staff sharing and training; video feedback for patient and staff; management evaluation; community education.

HOUSING AUTHORITY

Cable Uses: Meetings.

Video Uses: Training.

HUMAN RIGHTS COMMISSION

Cable Uses: Ethnic education; Affirmative Action programs and City regulations.

Video Uses: Document meetings; witnesses in grievances.

BOARD OF PERMIT APPEALS

Cable Uses: Public education; news wheel of permit changes.

APPENDIX III (Continued)

BOARD OF PERMIT APPEALS (Continued)

Video Uses: Records; meetings.

POLICE

Cable Uses: Public education series on theft, fire, purse snatching, rape, etc. prevention; health and other emergencies; public relations; police programs; citizens rights; public safety; accident information.

Video Uses: Security and correctional facilities; training series; traffic control; courses in ethnic differences; sensitivity training; continuing education for police officers; update legal information.

PUBLIC LIBRARY (Includes California Video Resource Project and Bay Area Reference Center)

Cable Uses: Community viewing facilities; dial-a-videotape (personalized education); book and author program; children's story hours; live community programs; cable reference service; production research resource for City agencies.

Video Uses: Video cassette learning for individualized viewing; archives of municipally produced videotapes; group viewing and audience programs (current); production of tapes for community education; post-production resource for municipal agencies (current); purchase and collection of community-produced tapes (current).

RECREATION AND PARKS

Cable Uses: Public information on park facilities, locations, hazards; tourist information; meetings.

Video Uses: Fire prevention; ranger training; inter-park communication; development.

REDEVELOPMENT AGENCY

Cable Uses: Public information on projects; meetings; public hearings.

Video Uses: Sketches of programs and systems development; archives.

APPENDIX III (Continued)

SOCIAL SERVICES COMMISSION

Cable Uses: Food stamps information; live coverage of Commission meetings; public information on Social Services programs for present and potential clients; inter-agency communication, e.g. Housing, Juvenile Probation; develop community understanding of Commission.

Video Uses: Personnel training; update programs; improve efficiency in administering programs; client/worker relations; archives of meetings; description of programs.

PUBLIC WORKS

Cable Uses: Pollution education; civil codes; public information.

Video Uses: Inter-agency communication; training.

FINE ARTS MUSEUMS

Cable Uses: Cable art channel; continuing education on art, exhibitions, local programs, artists, events; community art calendar; video art; museum programs.

Video Uses: In-service training; exhibition archives; manpower job development; education development.

CULTURAL INSTITUTIONS: OPERA, SYMPHONY, CONVENTION FACILITIES

Cable Uses: Cultural events cablecast later; meetings and hearings.

Video Uses: In-house communication; replay; convention services.

PUBLIC UTILITIES COMMISSION

Cable Uses: Public information; how cities work.

Video Uses: Internal communication; on-job training.

HETCH HETCHY

Cable Uses: Explanation of rates and administration.

Video Uses: Monitor system.

APPENDIX III (Continued)

MUNICIPAL RAILWAY

Cable Uses: Tourist information; routes and services; special program on bus routes; proposed change and implementation of rates and fares.

Video Uses: Shop safety programs; drivers' education; dealing with the public.

WATER DEPARTMENT

Cable Uses: Public education on water supply; emergency information.

Video Uses: Training; monitor system of sewers (current).

Survey of Municipal Video Equipment

CITY COLLEGE OF SAN FRANCISCO - one (1) color studio and one (1) black and white studio; seventy-five (75) television receivers; three (3) 1/2" portapak; four (4) 1" recorders.

KALW RADIO - one (1) 50 x 50 studio; two (2) 2" quad.

FIRE DEPARTMENT - one (1) 19" television receiver; one (1) 1/2" portapak; one (1) 1/2" edit recorder; one (1) 1/2" cassette; two (2) 1/2" recorders.

SAN FRANCISCO GENERAL HOSPITAL - one (1) portapak; one (1) television/receiver, both rented.

PUBLIC HEALTH MENTAL RETARDATION PROGRAM: 942 Market - one (1) 19" television receiver; one (1) edit deck; one (1) camera.

PUBLIC HEALTH MENTAL RETARDATION PROGRAM: CENTER FOR SPECIAL PROBLEMS - one (1) 3/4" cassette; one (1) camera.

PUBLIC HEALTH MENTAL RETARDATION PROGRAM: MISSION MENTAL HEALTH - one (1) television receiver;

APPENDIX III (Continued)

PUBLIC HEALTH MENTAL RETARDATION PROGRAM: MISSION
MENTAL HEALTH (Continued) - one (1) portapak;
one (1) camera; one (1) mic mixer.

CMHS BUREAU OF ALCOHOLISM - one (1) television
receiver; one (1) portapak.

DISTRICT I MENTAL HEALTH GROUP - two (2) television
receivers; one (1) portapak; one (1) edit deck.

POLICE DEPARTMENT - sixteen (16) television receiv-
ers; two (2) portapaks; seventeen (17) playback
decks; one (1) edit deck.

SAN FRANCISCO PUBLIC LIBRARY: BAY AREA REFERENCE
CENTER - one (1) television receiver; one (1)
portapak; one (1) edit deck.

SAN FRANCISCO PUBLIC LIBRARY: CALIFORNIA VIDEO RESOURCE
PROJECT - four (4) color monitors; one (1) color
portapak; two (2) black and white record/playback (1/2")
decks; one (1) edit deck; two (2) 3/4" cassette
recorders; one (1) color camera; one (1) black and
white camera; lighting equipment; accessories.

FINE ARTS MUSEUM/DE YOUNG MUSEUM - one (1) color portapak.

MUNICIPAL RAILWAY - one (1) television receiver;
one (1) portapak.

APPENDIX IV

A Short List of Bay Area Video Producers

*(Excluding colleges, universities,
art schools, and CATV companies
with production facilities)*

Max Almy	Mon Jone Gok
Richard Alpert	Ed Guerrero
Acorn Community Television	Michael Haller
Ant Farm	Donald Hallock
Asian Community TV Services	Richard Harkness
California Video Resource Project	Joel Hermann
Coni Beeson	Vee Hotchkins
Alan Bloom	Bruce Hurn
Gregory Burke	Insight Exchange, Inc.
Chinese Media Committee	Just Us Video
Coehlo Video	David Lent
Dick Dillman	Marin Community Video
Dynasoar	T.J. McHose
David Edwards	Media Arts of Oakland
Femediarts III	Nat'l Center for Experiments in
Stephen Fisher	James Neinhardt
Terry Fox	Optic Nerve
Martha Free-Barin Smith	Larry Paul
Phillip Gordon Gietzen	The Portable Project
Joel Glassman	Sally Pugh

APPENDIX IV (Continued)

The Public Eye, Inc.

Skip Sweeney

Guillermo Pulido

Video Free America

Queer Blue Light

Conny Vokietaitis

Darryl Sapien

Willie Walker

Craig Schiller

Horace Washington

Scott Swearingen

APPENDIX V

Model Public Access Center

San Francisco Public Access Center, Inc.

Sample Bylaws

PREAMBLE

Recognizing that meaningful community access to cable communications will become a reality only when all the people of San Francisco are able to obtain the necessary equipment, training, technical assistance, and channels free of charge on a continuing and non-discriminatory basis, the San Francisco Public Access Center, Inc. has been formed as a non-profit community organization to stimulate and facilitate open community use of the access channels mandated by the Federal Communications Commission.

In this way, the San Francisco Public Access Center, Inc. desires to effect the development of local programming and to promote and benefit the growth of the broadband telecommunications system through the beneficial effects that accrue to those pluralistic communities in which a free and active exchange of information and ideas is made possible.

APPENDIX V (Continued)

1. The members of the San Francisco Public Access Center, Inc. shall be:
 - A. Those persons 13 years of age and older who complete a Membership Information Card and pay dues of \$1.00 per calendar year; and
 - B. Those persons 12 years of age and younger who complete a Membership Information Card.
2. Members shall each have one vote in the annual election of the Board of Directors and on such other matters as are placed before the membership by the Board of Directors or as are required by law.
3. The Board of Directors shall have responsibility for the management of the affairs of the corporation and shall have authority necessary to that management, including but not limited to the authority to schedule regular and special meetings, designate officers, employ staff, enter into contracts, receive and disburse funds, and generally to develop and implement policy.
4. The Board of Directors shall be constituted as follows:
 - A. There shall be no more than twenty-two (22) persons on the Board of Directors.
 - B. The Board of Directors shall have three components.
 - (1) There shall be one Director from each of the following areas of community activity:
 - (a) Labor
 - (b) Health services
 - (c) Education
 - (d) Recipients of public assistance
 - (e) Business community
 - (f) Organized religion

APPENDIX V (Continued)

- (g) Service clubs
 - (h) Post-high school students
 - (i) Neighborhood centers
 - (j) Libraries
 - (k) Young persons
 - (l) Social service agencies
 - (m) Handicapped
 - (n) Elderly
 - (o) Ethnic minorities
- (2) The operator of the cable franchise shall be entitled to designate one Director.
- (3) There shall be no less than five and no more than ten Directors-at-large.
- C. All possible effort will be made to include on the Board of Directors persons with legal and accounting skills and persons with technical experience in programming and production.
- D. The corporation shall insure representation on the Board of Directors of racial and ethnic minorities and women.
- E. The corporation shall insure that the Board of Directors reflects geographic and socioeconomic diversity.
5. Advisors to the Board of Directors shall consist of a representative of the Broadband Telecommunications Regulatory Agency of San Francisco and such other persons as may be appointed by the Board or designated by government agencies or funding agencies.
6. Each Director shall serve a two-year term and shall be eligible for reelection without limitation of terms. Terms of office shall be appropriately staggered to allow election of the Board at the annual meeting of the corporation.

APPENDIX V (Continued)

7. Functions:

- A. Administer video production facility.
- B. Administer channel programming on a first-come, first-served, non-discriminatory basis.
- C. Serve as a Board of Review in problems arising from obscenity, lottery, advertisement, and/or political campaigning.
- D. Act as a "public relations" agency for the channel and the production facility.

8. Funding shall be shared equally by three parties:

- A. The San Francisco Public Access Center, Inc.
- B. The cable system operator(s).
- C. The City and County of San Francisco.

APPENDIX V (Continued)

Community Action Television Programs

March 7, 1975

Our Pets Are Dying: Steve Fisher;
What Is Prison?: Committee for Prisoner Humanity and
Justice;
La Dee Da: Charles Wright.

March 14, 1975

The Last Temple: Chinese Media Committee;
The Artist: Gary Gutierrez;
Youth for Service/Job Search Program: Program staff/students;
Drawbridge: The Bay's Sinking Ghost Town: Steve Fisher.

March 21, 1975

Cymbeline: Birnam Wood;
John Burton on the Role of the Press: An interview;
The Mediation Group for the New Age: A talk by the Group.

March 28, 1975

Bayse's Last Tape: Joe Bayse;
Community Music Center: CMC staff and students.

April 4, 1975

Bayse's Last Tape: Joe Bayse;
Dipsea: Marin Community Video.

April 11, 1975

Balsam of Life: Mike Nadelman;
Earth Medicine: Marin Community Video;
Our Pets Are Dying: Steve Fisher;
He Who Has Endured: Willis Perry.

APPENDIX V (Continued)

May 5, 1975

The Glass Children: Explanation of osteogenesis imperfecta;
The Fine Arts Quartet: Paul Shain;
The California Institute of Asian Studies: Students and staff.

May 12, 1975

Video Kitchen: Scott Swearingen;
The Boy From B Street: Scott Swearingen;
Reflections: Willis Perry;
It Can Be Done: Paul Shain;
Tim Leary: Media Arts Depository.

May 19, 1975

A Symposium on 1975: International Year of the Woman:
U.N. Association of San Francisco and Anne Trowbridge;
Congressman John Burton: An interview;
Bioenergetics-Gestalt Therapy Workshop: Paul Shain;
Neumark & Kline: Marin Community Video.

June 2, 1975

Congressman John Burton: An interview;
Working in the System: Maralee Reiner;
Cities Are For People: Foundation for San Francisco's Architectural Heritage.

June 9, 1975

CAL-NEVA-CAP (Community Action Program) Conference:
L. Bolling;
California Institute of Asian Studies: Students and staff.

June 23, 1975

San Francisco Cable Television Task Force: Questions and answers.

APPENDIX V (Continued)

July 7, 1975

Bill Graham on KALW: Ron Cabral and Opportunity High students;
He Who Has Endured: Willis Perry interview of Charlie Smith, a 130 year old man;
The Stained Glass of St. Anthony's: Jay Braunstein on the salvage attempt;
Environment 008: Ken Beckmann.

July 14, 1975

Angela Davis at Opportunity High: Opportunity High Lyceum Series;
The Mentally Retarded and the Community: A discussion with Naomi Gray of Channel 8;
Media Burn: Jay Braunstein shots of the Ant Farm's July 4, 1975 event.

July 21, 1975

The War of the Eggs: Jim Garrison (San Francisco Child Abuse Center) on child abuse;
Page 2: Andy Plessner;
Alternatives to Prison: Marin Community Video.

July 28, 1975

Marin City Flea Market: Marin Community Video;
Fish Tape: Monterey Verite: Ken Beckmann on fish from sea to pet food.

August 4, 1975

Save San Bruno Mountain Committee: David Schooley slides and questions and answers;
Blues Truck: Ken Beckmann on a trip to the Ann Arbor Blues Festival;
Civil Death: The Rights of Prisoners: Committee for Prisoner Humanity and Justice.

APPENDIX V (Continued)

August 11, 1975

1975: International Year of the Woman: Margaret Leahy
of the U.N. Association of San Francisco;
4.2 MAR·0: Ant Farm;
Radical Masectomy: Feminist Women's Health Center.

August 18, 1975

Cadillac Ranch: Ant Farm;
Fish Tape: Ken Beckmann;
Women-Controlled Abortion: Feminist Women's Health Center.

August 25, 1975

Self-Help Clinic: Feminist Women's Health Center; and
a talk by the Center's Alana Probst;
Perspective on South Africa: Ken Johnson;
Youth for Service/Job Search Program: A discussion by
the staff and students.

September 1, 1975

A Labor Day Special: San Franciscans talk about working.

September 8, 1975

For Colored Girls Who Have Considered Suicide: Public
Access to Cable Television (PACT) of Hayward present
choreographer Ntosake Shange;
Congressman John Burton: The Congressman moderates a
debate on nuclear power;
Menstrual Extraction: Feminist Women's Health Center.

September 15, 1975

Planned Parenthood: A presentation by the group;
Video Kitchen: Scott Swearingen;
In A Silent Way: Marin Community Video study of mime;
Congressman John Burton: The Congressman talks to his
brother, Congressman Phillip Burton, about being
brothers in Congress.

APPENDIX V (Continued)

September 22, 1975

They Are Our Guests: Nancy Nevins of the SFSU Recreation Department;

The Magic of the Loom: PACT of Hayward present Lyle Smith;

Guru Bawa Fellowship: The Guru and members talk;

Congressman John Burton: The Congressman discusses the 94th Congress with Norman Mineta.

September 29, 1975

Masks: Craig Schiller; a study of the art work of Horace Washington;

Tom Hayden: Gerry Pearlman and Jack Schaeffer shots of the day Tom Hayden announced for the U.S. Senate;

Bonsai: PACT of Hayward discusses Bonsai with Jim King;

A Day in the Life of a Congressman: Congressman John Burton.

APPENDIX VI

Educational Access Cable Television Corporation

RECOMMENDATION APPROVED BY THE TASK FORCE March 14, 1974

The Cable TV Task Force of the City and County of San Francisco support the creation of a non-profit Educational Cable TV corporation. The Educational Access Committee of the Task Force is authorized to take all necessary steps to create such a corporation. The purpose of the corporation would be to assume full responsibility for the Cable channel, with authority to develop, plan and administer the programming, establish policies and procedures for use of the channel, conduct studies and surveys and to secure funding from public and private sources to support the work of the corporation. By setting up a separate entity, the Board of the corporation would have the flexibility to operate and develop this new education media.

The experiences, problems and achievements of such a corporate body could provide useful information to the Task Force. The public access and governmental access committees in particular could benefit from these pioneering efforts. A representative of the Public Access and Governmental Access Committees would become members of the Board of the corporation as non-voting members.

The present members of the Committee would form the nucleus of the first Board. They have been carefully selected for their interest, technical knowledge and expertise, and involvement in the educational process in San Francisco and/or their communities. After the formal organization and structure is completed, the Board will elect its own officers, form committees and continue with the business of making the educational Cable TV channel the best in the nation.

Cable Channel 8 opened its headend facility at Far West Laboratories, 1855 Folsom, on June 20, 1974. The Operating Rules Governing San Francisco's Educational Access Channel are on file with the FCC and available from Educational Access Cable Television Corporation or Viacom Cablevision.

APPENDIX VI (Continued)

Educational Access Cable Television Corporation

Board of Directors

Officers

President: Naomi T. Gray, Naomi T. Gray Associates
Vice President: Fredric Simmons, Far West Laboratory
for Research and Educational Development
Secretary: Tina Holston, San Francisco Unified
School District
Treasurer: James F. Barbic

Members

Thomas Banks, University of California/San Francisco
Carole Brown
Theodore S. Connelly, Lincoln University
Michael George, Multi-Culture Institute
Flora Gilford, Black Women Organized for Action
Robert Kiyota, Northeast Community Mental Health
Services
Henry Leff, City College of San Francisco
Russell Lowe, Chinese for Affirmative Action
Mike Magdaluyo, Philippine-American Cultural Society
Margaret Ho, Bank of America
Effie Lee Morris, San Francisco Public Library
Isadore Pivnick, San Francisco Unified School
District
Sue Robinson, Lone Mountain College
Michael Sales
John Slade, Blacks in the Media for Affirmative
Action
Dwight Tripp, III, Bay Area Regional Citizens Forum

Ex-officio, Non-voting Members

Chairpersons of the San Francisco CATV Task Force:

Children's TV Committee
Educational Access Committee
Public Access Committee
Municipal Access Committee

Station Manager: Television Signal Corporation

APPENDIX VI (Continued)

ARTICLES OF INCORPORATION
OF
SAN FRANCISCO EDUCATIONAL CABLE TELEVISION, INC.

I.

The name of this corporation is SAN FRANCISCO EDUCATIONAL CABLE TELEVISION, INC.

II.

The purposes for which this corporation is formed are:

- a) The specific and primary purposes are to serve the educational needs of the people of the City and County of San Francisco by operating an educational cable television channel.
- b) The general purposes and powers are:
 - 1. To assume major responsibility for the educational cable television channel provided by the Viacom Cablevision of San Francisco in the City and County of San Francisco.
 - 2. To develop, plan, and administer the programming to be presented over the channel.
 - 3. To take responsibility for acquisition, operation, and maintenance of cable head end and associated facilities.
 - 4. To seek and secure funding from public and private sources to support the work of the corporation.
 - 5. To conduct studies, and surveys necessary to support the planning and programming functions of the corporation and other research as necessary to advance the state of the art of video technology.
 - 6. To take such steps as necessary to make the San Francisco public aware of the availability of the services of the educational cable television channel.

APPENDIX VI (Continued)

7. To purchase or acquire, own, hold, use lease (either as lessor or lessee), sell, exchange, assign, convey, dispose of, mortgage, hypothecate, or encumber real and personal property.
8. To borrow money, incur indebtedness, and to secure repayment by mortgage, pledge, deed of trust, or other hypothecation of property, both real and personal.
9. To enter into, make, perform, and carry out contracts of every kind for any lawful purpose without limit on amount, with any person, firm, association or corporation, municipality, county, parish, state, territory, government (foreign or domestic), or other municipal or governmental subdivision.
10. To establish all policies relative to the operation of the channel.
11. To all things necessary, expedient, or appropriate to the accomplishment of any of the objects and purposes for which this corporation is formed.

Notwithstanding any of the above statements of purposes and powers, this corporation shall not engage in activities that in themselves are not in furtherance of the purposes set forth in subparagraph (a) of this Article II.

- c) No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

III.

This corporation is organized pursuant to the general non-profit law of the corporation.

IV.

The County in this State where the principal office for the transaction of the business of this corporation is to be located is San Francisco County.

APPENDIX VI (Continued)

V.

The general management of the affairs of this corporation shall be under the control, supervision and direction of the board of directors. The names and addresses of persons who are to act in the capacity of directors until the selection of their successors are:

REQUEST FOR AIR TIME

TITLE OF PROGRAM: _____
SPONSER: _____

COLOR _____ BLACK AND WHITE _____
TAPE _____ CASSETTE _____ FILM _____

EDUCATIONAL PURPOSE OF PROGRAM:

DESCRIPTION OF CONTENT:

DESCRIPTION OF AUDIENCE AIMED AT: (Race, age range,
economic class, educational background, etc.)

FORMAT:

Example:	Intro:	2:00
	Film:	6:30
	Interview:	5:30
	Demonstration:	6:00
	Interview:	5:00
	Film:	3:00
	Close:	2:00
	Total Time:	30:00

(Note: Final Version of Program Must Be Timed To The Second.)

REQUEST FOR AIR TIME:

(Additional Note: Where a full script is available, as in the case of a dramatic segment within the program, please submit it with this request.)

NAME OF PERSON REQUESTING AIR TIME: _____
ADDRESS: _____
PHONE: _____

NAME OF ORGANIZATION REPRESENTED: _____
ADDRESS: _____
PHONE: _____
RELATIONSHIP OF PERSON REQUESTING AIR TIME TO THE ORGANIZATION: (I.E. President, Consultant, Etc.): _____

NAME OF SPONSORING ORGANIZATION (If Different From Above): _____
ADDRESS: _____
PHONE: _____
CONTACT: _____
RELATIONSHIP OF CONTACT TO SPONSORING ORGANIZATION: _____

PLEASE READ:

The Person(s) and Organization(s) involved in filing this Request For Air Time Agree and Guarantee that the Program(s) submitted contain(s) No Libelous, Slanderous or Obscene Statements or Actions. Also, the Parties Agree and Guarantee the program(s) contain(s) no Plea for contributions to a Lottery or Individual Political Candidate or Party. (All Above Terms to Be Defined By Local, State and Federal Laws and Regulations.)

X _____ Date: _____
X _____ Date: _____
X _____ Date: _____

COST CONTROL
METHOD OF PAYMENT

APPENDIX VII

Funding Sources for Cable Projects (Prepared by Juan Pífarre)

Federal Agencies

National Endowment For The Arts

Programs: Promotion of the Arts-Public Media;
Promotion of the Art-Expansion Arts.

National Endowment For The Humanities

Programs: Promotion of the Humanities-Special Projects;
Public Programs.

Office Of Education - HEW

Programs: Adult Education-Special Projects;
Educational Broadcasting Facilities.

General Services Administration

Programs: Disposal of Surplus Real Property;
National Audiovisual Center.

City Agencies

Mayor's Office Of Community Development

Program: Community Development

Mayor's Office Of Manpower

Program: Manpower and Training Programs

Chief Administrative Officer

Program: Publicity and Advertisement Fund

Art Commission

Program: Neighborhood Arts Program

Clearinghouse For Federal Programs

APPENDIX VII (Continued)

For Information on State Programs Contact:

State Clearinghouse
Office of the Governor
Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814
(916) 445-0613

For Information on Private Foundations and
Charitable Organizations See:

Foundations Directory, National Foundations
Council, Chicago, Illinois.

APPENDIX VIII

Cable Complaints Received by the Task Force

CORRESPONDENCE

September 16, 1973: Beatrice Peterson, 2058 Carmelita Drive, San Carlos, CA 94070; complaint of poor television reception due to the installation of Sutro Tower.

February 21, 1974: Jane Wylie, 45 Burlwood Drive, San Francisco, CA 94127; concerned about absence of cable television service.

July 9, 1974: F.H. Schlanze, 565 Los Palmos Drive, San Francisco; complaint concerning reception in the southern slope area of Mount Davidson.

August 5, 1974: James Lawrence Wittaker, 1 Burlwood Drive, San Francisco, CA 94127; complaint regarding unavailability of cable service.

August 9, 1974: Donald E. Keith, 82 Mars Street, San Francisco, CA 94114; complaint regarding service and "indifferent reactions...to reported consumer problems."

August 19, 1974: Richard J. Wall, 2660 Chestnut St., San Francisco; complaint concerning damage to sidewalk.

October 31, 1974: James T. McDonald, Alcoa Building, Suite 2110, One Maritime Plaza, San Francisco, CA 94111; complaint about damage to sidewalk.

November 5, 1974: Shirley & Shirley, Counselors At Law, 300 Montgomery Street, San Francisco, CA 94104; complaint regarding billing practices.

July 18, 1975: George O. Shoemaker, 1830 15th Avenue, San Francisco, CA 94112; opposed to granting a rate increase.

July 25, 1975: Hazel E. Barnwell, 2453 Franklin Street, San Francisco, CA 94123; opposed to granting a rate increase; complained about lack of weekend service; dissatisfied that bills are not prorated when service is down.

APPENDIX VIII (Continued)

July 26, 1975: Frank C. Giarritta, 1615 Green Street, San Francisco, CA 94123; opposed to granting a rate increase; complaint that bills are not prorated when service is interrupted.

August 1, 1975: Gertrue B. Edwards, 2447 Franklin St., San Francisco, CA 94123; opposed to granting a rate increase; feels that those who paid a \$50.00 installation fee should receive a refund since the fee is no longer required.

August 3, 1975: M. Schuller, 147 Crown Terrace, San Francisco, CA 94114; opposed to granting a rate increase; complaint about reception since building Twin Peaks tower.

TELEPHONE CALLS

October 24, 1974: James Roark, 1895 Jefferson, 992-2867; complaint about long-term franchise granted to cable company.

October 24, 1974: J. Francis Shirley, Shirley & Shirley, Counselors At Law, 300 Montgomery St., San Francisco, CA 94104, 421-0174; complaint about billing practices.

November 14, 1974: Mrs. George Kattas, 55 Montalvo Avenue, San Francisco, 681-3466; complaint about poor reception due to Sutro Tower and unavailability of cable service.

December 11, 1974: William Farrell, 371 Prague, San Francisco, CA 94112, 585-6425; complaint regarding unavailability of cable service.

December 13, 1974: Mrs. R. Kermode, 516 Arlington, San Francisco, 584-7471; complaint concerning lack of cable service five blocks from where she used to live and have service.

APPENDIX VIII (Continued)

December 30, 1974: Marlene Johnson, 22 Craggs Court, San Francisco, 771-3030; complaint about unavailability of cable service.

January 9, 1975: Lou Gage, 821 Grove, San Francisco, 668-1500; complaint, in behalf of Alamo Square Development Association, concerning lack of cable service in area.

January 22, 1975: H. Pampe, 4140 Army Street, San Francisco, 826-2466; complaint regarding "abuse" by Viacom employees and "threat" to credit rating.

January 27, 1975: George Pengelly, 66 Corwin, San Francisco, 673-8122 (office); landlady will not allow cable in a 34-unit apartment building.

February 3, 1975: Jack Coll, 276 Waterville, San Francisco, 467-1207; complaint about unavailability of cable service.

February 3, 1975: Mrs. Engstrom, Jackson Street (between Buchanan and Octavia); complaint about lack of cable service.

March 3, 1975: J. Mellick, 1538 20th, San Francisco; complaint concerning power failure in cable system.

March 3, 1975: Mrs. Pat Bolton, 1140 Pine, San Francisco, 776-7961; complaint about lack of cable service.

April 10, 1975: Mark Shragge, 455 Goldmine Drive, San Francisco, 273-3601; complaint regarding unavailability of cable service in area.

May 20, 1975: Dr. Thelma Duze, 1630 Filbert, San Francisco; complaint concerning quality of cable system.

Ursula Lysaght, 477 Hazelwood Avenue, San Francisco, CA 94127, 333-6985; complaint about lack of cable service.

